crimination. They serve simply as a brake upon our impetuosity. They should not serve as an excuse for inaction.

Our goal must be to replace fear and distrust with understanding and trust.

How do we achieve it?

Communication—as between equals—is important.

Familiarity—as among equals—is important.

Education is important.

But how do we communicate, how do we get to know each other, how do we educate each other when there is stone wall resistance to even the slightest contact?

There are, of course, all of the arts which man has used to influence man since the beginning of time—and which reach their full potential in a democracy—the arts of persuasion, discussion, and debate—the power of example and experience.

There is also the rule of law—not as a primitive force, not as a harsh master, but as a stimulus, as a prod, as a standard of conduct.

We cannot legislate trust and understanding. We cannot legislate confidence. We cannot strike down fear by legislative decree. We cannot by a stroke of the legislative pen, create love and kindness in a human heart.

But we can, by wise legislation, create a climate in which men, separated by divisive differences, can learn to live together.

It is possible to establish rules to prevent abuses, to restrain the impulsive, to contain and eliminate excesses, to encourage responsible attitudes, to give support to moderation.

When men are equal before the law and are required to treat each other as such, they are more inclined to believe in such equality.

We have made legislative progress in this field in recent years. Some believe we have moved too fast; others that we have not moved fast enough. Without resolving that difference of opinion, I think it fair to say that we have moved ahead, that the movement has achieved constructive results, and that it gives promise of more progress.

In the long run, we must and will achieve basic civil liberties for all our people. Toward this end, we can do no better than to pray in the words of St. Francis:

"Lord, make me an instrument of Thy peace.
Where there is hatred, let me sow love.
Where there is injury, pardon.
Where there is doubt, faith.
Where there is despair, hope.
Where there is darkness, light.
Where there is sadness, joy."

SENATE

FRIDAY, JANUARY 6, 1961

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all mercies, in a violent day swept by angry forces with which unaided we cannot cope, Thou only art our strength and refuge, amid mortal ills prevailing.

As citizens of a world that carries on its sagging shoulders problems of human relationships and burdens of suffering, greater than humanity has ever before borne, make us inwardly adequate to be Thy ministers of reconciliation.

In this day of crashing systems, save us from being prophets of gloom and of doom. As we peer at the fiery destruction of the old, may there be vouchsafed to us vistas of a richer, fairer earth to be.

Rising above all that is ignoble, teach us to work together in glad harmony for the honor, safety, and welfare of our Nation and of all peoples of this awakening earth who unite in mutual good will, determined to open the gates of life more abundant for all mankind.

In the name of Jesus Christ, our Lord, we ask it. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 5, 1961, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the introduction of bills and the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Investigating Subcommittee of the Committee on Government Operations be permitted to sit during the session of the Senate today.

I also ask unanimous consent that the Internal Security Subcommittee of the Senate Judiciary Committee be permitted to meet at 2 p.m. today.

The VICE PRESIDENT. Without objection, it is so ordered.

COUNTING OF ELECTORAL VOTES

Mr. MANSFIELD. Mr. President, there is a slight difference in the information which has been given to me as to the exact time when the joint session will be held, this afternoon, in the Hall of the House of Representatives. Can the Chair inform the Senate on that point?

The VICE PRESIDENT. The joint session is scheduled for 1 p.m., this afternoon.

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that it is my intention to suggest the absence of a quorum at 12:40; and at 12:45 the Senate will proceed in a body to the House of Representatives, for the official count of the electoral votes.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Mr. President, this morning I read in the press—although of course I learned a long time ago that one cannot believe all he reads in the press—that there was likely to be some controversy with respect to the electoral votes for the State of Hawaii. Does the majority leader have any information on that? Some of us do not always attend these vote countings. The vote countings heretofore have been had by various and sundry means.

Mr. MANSFIELD. Let me say to the distinguished Senator from Georgia that to the best of my knowledge the votes from the State of Hawaii have been dispatched by the Governor of Hawaii to the General Services Administration; that the Secretary of the Senate, Mr. Felton Johnston—at least, last evening, and, I am sure, also this morning—was and is in constant contact with the General Services Administration; and it is our hope that by the time we meet in the House of Representatives, the ballots from Hawaii will have been received, transferred to the proper receptacle, and made an official part of that ceremony.

Mr. RUSSELL. Mr. President, if the Senator from Montana will yield further, I wish to violate a rule I have followed for many years, because I am so intrigued by that statement. Let me say incidentally that I do not like to reveal abysmal ignorance, and as a rule I do not do so. But let me ask whether we have passed a statute which gives the General Services Administration custody of the electoral votes.

Mr. MANSFIELD. I am revealing my own ignorance on this matter, also. But I recall a conversation I had with the Secretary of the Senate last night, and I believe he said Governor Quinn had dispatched the ballots to the General Services Administration, and Mr. Johnston had been in touch with the Administrator of that agency, so that if they do arrive in time—and it was anticipated that they would—they could be transferred to him and, I assume, put in their proper boxes and placed in the Hall of the House of Representatives.

Mr. RUSSELL. The ballots to which the distinguished majority leader refers as having been dispatched by Governor Quinn confirm the latest report that the Democratic nominee carried the State of Hawaii by a small majority, do they?

Mr. MANSFIELD. That is my understanding, but I hope the Senator from Georgia will not hold me too closely to it.

The VICE PRESIDENT. Let the Chair ask whether the Senator desires to obtain a response to his inquiry.

Mr. RUSSELL. I understood the distinguished Senator from Montana to say that was his understanding, but that he was not completely assured. Probably the Chair is better advised on this subject than is the Senator from Montana, the distinguished majority leader.

The VICE PRESIDENT. The advice received by the Chair on this particular subject is only as good as that of the Parliamentarian; and the Chair knows that the Senator from Georgia and all other Senators respect the views of the Parliamentarian.

Mr. RUSSELL. I hope that the Chair and all Senators will consult the Parliamentarian, in the days ahead, and will be guided by his views.

The VICE PRESIDENT. In certain cases the Chair does.

Mr. RUSSELL. Yes, but only in certain cases. [Laughter.]

The VICE PRESIDENT. According to law, the General Services Administration participates in the manner the Senator has described. That is by law, not simply by precedent or custom.

Mr. RUSSELL. So we have delegated to the General Services Administration the function of receiving the electoral votes, as transmitted by the various State authorities, have we?

The VICE PRESIDENT. If the Chair may respond, let the Chair state that the law provides that the General Services Administration shall receive two copies of the electoral votes which are submitted by the States; and, under the law, one of those copies is made available to the Presiding Officer of the Senate, who then carries out the constitutional function of announcing the vote.

Mr. RUSSELL. Has the Chair, as the constitutional officer of the Senate, received those votes from the General Services Administration?

The VICE PRESIDENT. The Chair received the ballots this morning from the General Services Administration; and they are in the appropriate sealed boxes, and will be carried over to the House of Representatives.

Mr. RUSSELL. Then apparently there is no truth in the rumor that there will be a controversy about those votes.

Mr. DIRKSEN. Mr. President, if the majority leader will yield, let me say that I was quite curious about the statute that brings the General Services Administration into the picture. I have not gone back in the RECORD to examine the debate; but I infer that the National Archives are under the jurisdiction of the General Services Administration, and therefore the General Services Administrator has charge of the National Archives; and these are papers that would be committed to the National Archives; and for that reason he was brought in, under the statute, as the custodian in fact.

Mr. RUSSELL. I appreciate the Senator's casting that light on the subject.

But I must say that it would appear to me that it would be more in order, under the constitutional machinery for the counting of the electoral votes and the canvassing of the returns, for the reverse of that to happen—in other words, for the ballots to have been originally forwarded to the constitutional officers of the Congress, and by them transmitted to the General Services Administration, for perpetuation in the National Archives.

Mr. MANSFIELD. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. MANSFIELD. If there had been a question about the ballots from Hawaii, would the Senate be called upon to vote on such a matter?

The VICE PRESIDENT. According to the understanding of the Chair, if such a question were raised, the joint session would be dissolved, and the Senate would return to its Chamber, and would there consider the matter; and at the same time the House would concurrently consider the matter. Once the two bodies had concluded their deliberations and had reached their decisions, the joint session would be reconvened. If the two bodies agreed, that of course would decide the matter. If they disagreed, then, according to 3 U.S.C. 15, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted.

Mr. MANSFIELD. I thank the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Treasury Department for "Salaries and expenses, Division of Disbursement," for the fiscal year 1961, had been reapportioned indicating a need for a supplemental estimate of appropriation for increased pay costs; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Salaries and expenses, Bureau of Old-Age and Survivors Insurance," for fiscal year 1961, had been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

PARTICIPATION IN RESERVE COMPONENTS OF THE ARMED FORCES

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to provide for more effective participation in the Reserve components of the Armed Forces, and for other purposes (with accompanying papers); to the Committee on Armed Services.

EXEMPTION OF CERTAIN CONTRACTS WITH FOREIGN CONTRACTORS FROM REQUIREMENT FOR EXAMINATION-OF-RECORDS CLAUSE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause (with accompanying papers); to the Committee on Armed Services.

PAYMENT OF COSTS FOR CERTAIN U.S. NATIONALS BEFORE FOREIGN TRIBUNALS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 1037 of title 10, United States Code, to authorize payment of costs for certain U.S. nationals before foreign tribunals (with an accompanying paper); to the Committee on Armed Services.

ALASKA COMMUNICATIONS DISPOSAL ACT

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT ON FLIGHT PAY, DEPARTMENT OF THE AIR FORCE

A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on flying pay of that Department, for the period March 1, 1960, through August 31, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT OF SECURITIES AND EXCHANGE COMMISSION

A letter from the Chairman, Securities and Exchange Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Banking and Currency.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT, 1925

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF ACT RELATING TO CREATION OF A BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT OF ACT RELATING TO REMOVAL OF DANGEROUS OR UNSAFE BUILDINGS IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," approved March 1, 1899, as amended (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON FINDINGS RESULTING FROM INITIAL REVIEW OF BALLISTIC MISSILE PROGRAM OF DEPARTMENT OF THE AIR FORCE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on findings resulting from initial review of the ballistic missile programs of the Department of the Air Force (with an accompanying report); to the Committee on Government Operations.

RESERVATION BY DEPARTMENT OF THE ARMY OF CERTAIN LANDS AT FORT RICHARDSON, ALASKA

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek Area, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF ACT ESTABLISHING SPECIAL REQUIREMENTS GOVERNING SELECTION OF SUPERINTENDENTS OF NATIONAL CEMETERIES

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national

cemeteries (with an accompanying paper); to the Committee on Interior and Insular Affairs.

WITHDRAWAL FROM PUBLIC DOMAIN OF CERTAIN LANDS IN BIG DELTA AREA, ALASKA

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to provide for the withdrawal from the public domain of certain lands in the Big Delta Area, Alaska, for continued use by the Department of the Army at Fort Greely, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

WITHDRAWAL OF CERTAIN PUBLIC LANDS IN VICINITY OF FAIRBANKS, ALASKA

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska for use by the Department of the Army as a Nike range (with an accompanying paper); to the Committee on Interior and Insular Affairs.

WITHDRAWAL FROM PUBLIC DOMAIN OF CERTAIN LANDS IN GRANITE CREEK AREA, ALASKA

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to provide for the withdrawal from the public domain of certain lands in the Granite Creek Area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

WITHDRAWAL FROM PUBLIC DOMAIN OF CERTAIN LANDS IN LADD-EIELSON AREA, ALASKA

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to provide for the withdrawal from the public domain of certain lands in the Ladd-Eielson Area, Alaska, for use by the Department of the Army as the Yukon Command Training Site, Alaska, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

EXTENSION OF TIME FOR OUTDOOR RECREATION RESOURCES REVIEW COMMISSION TO SUBMIT FINAL REPORT

A letter from the Chairman, Outdoor Recreation Resources Review Commission, Washington, D.C., transmitting a draft of proposed legislation to extend the time in which the Outdoor Recreation Resources Review Commission shall submit its final report (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF POSTMASTER GENERAL

A letter from the Postmaster General, transmitting, pursuant to law, a report of that Department, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ENTITLED "MAXIMUM DESIRABLE DIMENSIONS AND WEIGHTS OF VEHICLES OPERATED ON THE FEDERAL-AID SYSTEM"

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal-Aid System," dated January 1961 (with an accompanying report); to the Committee on Public Works.

MEMBERSHIP ON DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The Vice President, as in executive session, laid before the Senate two letters from the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, the nomination of Neville Miller, to fill the unexpired term of James E. Colliflower, as a member of the Board of the District of Columbia Redevelopment Land Agency, whose term expires March 3, 1961, and the nomination of Neville Miller to succeed himself as a member of that agency, for a term of 5 years, effective on and after March 4, 1961; which were referred to the Committee on the District of Columbia.

PETITION

Mr. KEATING. Mr. President, the recent election served to center attention on many of the obstacles which still exist to the full exercise of the franchise by all qualified Americans.

I have been giving considerable study to a number of these problems and have in preparation several proposals for improving the present situation. These will relate to such matters as voting on more than one day, the encouragement of uniform local residence laws, and the reform or abolition of the electoral college system.

Judging from the many articles and editorials, and other commentaries which I have been reading, there does appear to be very widespread dissatisfaction with many of our present election laws. This is, of course, a very vital area of our democratic process and we must proceed with great caution in devising improvements. But I have no doubt in my mind that there is a necessity for improvement, and I believe that this period immediately following the election and long prior to the next presidential election offers a particularly propitious opportunity for objective consideration of the situation.

I have been very much encouraged by a number of letters I have received on this subject. One such letter I received recently from the eigth grade citizenship education class at Washington Junior High School in Jamestown, N.Y., relating to the electoral college, contained a petition to the Congress of the United States which I would like to bring to the attention of all my colleagues. I therefore ask unanimous consent that this petition be printed at this point in the RECORD and appropriately referred.

There being no objection, the petition was referred to the Committee on the Judiciary, as follows:

PETITION TO THE CONGRESS OF THE UNITED STATES

We, the undersigned, students of Washington Junior High School in the city of Jamestown, county of Chautauqua, and State of New York, do respectfully petition the Congress of the United States to propose an amendment to the Constitution of the United States to provide that the electors from each of the respective States for the election of the President and of the Vice President shall not be permitted to vote by the so-called unit rule for the candidate receiving the greatest popular vote in each such State in the presidential election but rather shall be obligated to cast their votes for each of the various candidates for such offices proportionate to the popular vote in such election in each such State, with the voting for the offices of the President and of the Vice President to be by the same ballot.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 180. A bill to authorize the appropriation of $200,000 for use toward the construction of a U.S.S. *Arizona* Memorial at Pearl Harbor; to the Committee on Armed Services.

By Mr. FONG (for himself and Mr. LONG of Hawaii):

S. 181. A bill to amend the Bankhead-Jones Farm Tenant Act, as amended, and title V of the Housing Act of 1949, as amended, so as to authorize the Secretary of Agriculture to make financial assistance available under such acts to persons holding leasehold interests in lands in the State of Hawaii, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BEALL:

S. 182. A bill to authorize the Administrator of General Services to make grants in cash and land to the Convalescent Hospital of Washington, D.C., Inc., for the purpose of enabling the corporation to establish a convalescent and chronic disease hospital in the District of Columbia; to the Committee on the District of Columbia.

S. 183. A bill for the relief of Mihail Zanakis; and

S. 184. A bill for the relief of Georgette D. Caskie; to the Committee on the Judiciary.

By Mr. BUSH:

S. 185. A bill for the relief of Alberto L. Rodriques; and

S. 186. A bill for the relief of Dr. William Kuo-Wei Chen; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 187. A bill to authorize the erection of a U.S. Veterans' Administration hospital in the State of Texas; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON:

S. 188. A bill to grant civil service employees retirement after 30 years' service; and

S. 189. A bill to increase the equipment maintenance allowance for rural carriers; to the Committee on Post Office and Civil Service.

By Mr. KEFAUVER:

S. 190. A bill for the relief of Auva Constance Lewis; and

S. 191. A bill for the relief of Sue Lee Kam; to the Committee on the Judiciary.

By Mr. WILLIAMS of Delaware (for himself and Mr. BOGGS):

S. 192. A bill to provide for the establishment of a poultry research laboratory in the State of Delaware; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 193. A bill for the relief of Rev. Patrick Floyd; and

S. 194. A bill for the relief of Wong Bak Yen; to the Committee on the Judiciary.

By Mr. MORSE (for himself, Mrs. NEUBERGER, and Mr. BARTLETT):

S. 195. A bill to amend the Employment Act of 1946 to establish policies with respect to productive capital investments of the Government; to the Committee on Government Operations.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. CARLSON:

S. 196. A bill to make the treatment under the Internal Revenue Code of 1954 of certain foundations, all of which are closely associated with State colleges and universities and which act as intermediary recipients and administrators of gifts for the exclusive use

or benefit of those colleges and universities with their consent, identical with that of those institutions; to the Committee on Finance.

(See the remarks of Mr. CARLSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for Mr. HARTKE):

S. 197. A bill to encourage the establishment of voluntary pension plans by self-employed individuals; to the Committee on Finance.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

S. 198. A bill to authorize the Secretary of the Army to convey certain land located in the State of Indiana to Clark County, Ind.; to the Committee on Armed Services.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 199. A bill to amend the act of August 6, 1956 (70 Stat. 1057), with respect to conveyances of Federal property to Indian tribes;

S. 200. A bill to amend the act entitled "An Act relative to employment for certain adult Indians on or near Indian reservations," approved August 3, 1956; and

S. 201. A bill to donate to the Zuni Tribe approximately 610 acres of federally owned land; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

S. 202. A bill to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. CHAVEZ (for himself and Mr. ANDERSON):

S. 203. A bill to declare that the United States holds in trust for the Pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 204. A bill to provide that section 315(a) of the Communications Act of 1934 shall not apply to candidates for the offices of President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself and Mr. SCHOEPPEL):

S. 205. A bill to expedite the utilization of television transmission facilities in our public schools and colleges, and in adult training programs; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT:

S. 206. A bill to give proper recognition to the distinguished service of Maj. Gen. Howard McCrum Snyder; to the Committee on Armed Services.

By Mr. McGEE (for himself and Mr. HICKEY):

S. 207. A bill for the relief of Jean Goedicke; to the Committee on the Judiciary.

By Mr. BENNETT (for himself and Mr. Moss):

S. 208. A bill for the relief of the Smith Canning Co.; to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 209. A bill to conserve and develop certain seashores of the United States for the public use and benefit, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT (for himself and Mr. BENNETT):

S. 210. A bill to establish a national mining and minerals policy; to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (for himself, Mr. CURTIS, Mr. ALLOTT, and Mr. CASE of South Dakota):

S. 211. A bill to affirm and recognize the water laws of the States lying wholly or partly west of the 98th meridian; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY (for himself, Mr. McCARTHY, Mr. PROXMIRE, and Mr. WILEY):

S. 212. A bill to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 213. A bill to provide for the computation of basic pay of Lt. Gen. Joseph F. Carroll, U.S. Air Force; to the Committee on Armed Services.

S. 214. A bill to amend the Internal Revenue Code of 1954; to the Committee on Finance.

S. 215. A bill for the relief of Ennis Craft McLaren;

S. 216. A bill for the relief of SFC William H. Riester, Jr.;

S. 217. A bill for the relief of Alessandro Gellhorn;

S. 218. A bill for the relief of Christine Fahrenbruch, a minor;

S. 219. A bill for the relief of Dr. Nobutaka Azuma; and

S. 220. A bill for the relief of Mike H. Kostelac; to the Committee on the Judiciary.

By Mr. WILEY:

S. 221. A bill for the relief of Dr. Gojko D. Stula;

S. 222. A bill for the relief of Meher K. Kanga and Kersasp H. Kanga;

S. 223. A bill for the relief of Onofrio D'Amato;

S. 224. A bill for the relief of Antonio Sanchez Morillo; and

S. 225. A bill for the relief of Dr. Chien Chen Chi; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S.J. Res. 21. Joint resolution to authorize the Secretary of Commerce to sell 10 Liberty-type merchant vessels to citizens of the United States for conversion into barges; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING:

S.J. Res. 22. Joint resolution designating February of each year as American History Month; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

DEVELOPMENT OF INTERNATIONAL EDUCATIONAL PROGRAMS

Mr. McGEE submitted the following concurrent resolution (S. Con. Res. 3); which was referred to the Committee on Foreign Relations:

S. CON. RES. 3

Whereas the United States has benefited greatly from the exchange of students between our own country and other countries through the Fulbright Acts and Smith-Mundt Acts; and

Whereas the other nations of the world have in recent years experienced remarkable growth in the number of persons trained through the operations of these and similar programs; and

Whereas increasing the level of education of the peoples of the world is the most productive investment that the nations of the world can make for the well-being of all mankind; and

Whereas programs of international cooperation in education enhance international understanding and thereby promote the cause of peace; and

Whereas many nations or regions of the world not now possessing sufficient educational facilities, such as necessary schools, universities, colleges, and technical institutes are ready to establish, expand and improve such facilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States hereby expresses its interest in encouraging the development of international programs for the expansion and improvement of education at all levels, including provisions for teachers colleges, technical institutes, as well as other necessary schools, colleges, and universities, national or regional in scope; and be it further

Resolved, That the Congress hereby recommends that the United States Government encourage the organizations of the United Nations system to develop programs for increased international cooperation in the field of education that would best serve the needs of the several member countries, as well as the cause of world peace and international economic and social development; and be it further

Resolved, That the Congress hereby expresses its willingness to accept a reasonable share of the cost of bringing into operation certain aspects of such programs through the use of foreign currencies available for these uses, or otherwise as may prove suitable and desirable.

RESOLUTIONS

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO MAKE CERTAIN STUDIES RELATIVE TO ECONOMIC OPERATIONS OF GOVERNMENT

Mr. JACKSON submitted the following resolution (S. Res. 20); which was referred to the Committee on Government Operations:

S. RES. 20

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from February 1, 1961, to January 31, 1962, inclusive, to make studies as to the efficiency and economy of operations of all branches of the Government with particular reference to:

(1) the effectiveness of the present organizational structures and operational methods of agencies and instrumentalities of the Federal Government at all levels in the formulation, coordination, and execution of an integrated national policy for the solution of the problems of survival with which the free world is confronted in the contest with world communism;

(2) the capacity of such structures and methods to utilize with maximum effective-

ness the skills, talents, and resources of the Nation in the solution of those problems; and

(3) development of whatever legislative and other proposals or means may be required whereby such structures and methods can be reorganized or otherwise improved to be more effective in formulating, coordinating, and executing an integrated national policy, and to make more effective use of the sustained, creative thinking of our ablest citizens for the solution of the full range of problems facing the free world in the contest with world communism.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1961, to January 31, 1962, inclusive, is authorized:

(1) to make such expenditures as it deems advisable;

(2) to employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants: *Provided,* That the minority of the committee is authorized at its discretion to select one such person for appointment, and the person so selected shall be appointed and shall receive compensation at an annual gross rate not less by more than $1,400 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1962.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO INVESTIGATE POSTAL SERVICE, LIFE INSURANCE AND HEALTH BENEFITS, AND CAREER SERVICE EMPLOYEES

Mr. JOHNSTON submitted the following resolution (S. Res. 21); which was referred to the Committee on Post Office and Civil Service:

S. RES. 21

Resolved, That the Committee on Post Office and Civil Service, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete study of any and all matters pertaining to—

(1) The postal service, particularly with respect to (a) the complete reorganization of the entire postal rate structure, (b) the establishment of better service to the public, and (c) the operation of the postal establishment with greater efficiency and economy;

(2) The operation of the Federal employees' group life insurance and health benefits program to establish their effectiveness and determine the extent of their financial stability; and

(3) The establishment of guidelines to fix boundaries for keeping positions in the career service and for identifying those which clearly should be filled without regard to civil service procedures.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1961, to January 31, 1962, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1962.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $65,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

TEMPORARY ADDITIONAL CLERICAL ASSISTANT FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. JOHNSTON submitted the following resolution (S. Res. 22); which was referred to the Committee on Post Office and Civil Service:

Resolved, That the Committee on Post Office and Civil Service is authorized, from February 1, 1961, through January 31, 1962, to employ one additional clerical assistant to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of Public Law 4, 80th Congress, approved February 19, 1947, as amended.

DEATH OF LATE REPRESENTATIVE EDITH NOURSE ROGERS, OF MASSACHUSETTS

Mr. SALTONSTALL submitted a resolution (S. Res. 23) relating to the death of Hon. Edith Nourse Rogers, late a Representative from the State of Massachusetts, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. SALTONSTALL, which appears under a separate heading.)

A U.S. VETERANS' ADMINISTRATION HOSPITAL IN SOUTH TEXAS

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to authorize the erection of a U.S. Veterans' Administration hospital in south Texas.

The veterans to be served are among the 1,500,000 residents of a 40-county area covering over 40,000 square miles. Most of the territory is in the 14th and 15th Congressional Districts south of San Antonio. This area now has no Veterans' Administration hospital. It includes 3 of the 11 most populous counties in our State. It is in the area of the lower Rio Grande Valley, with extensive irrigation, citrus farms, and inhabited by many people, including elderly people, who enjoy living in that salubrious climate. The population of the area is one of the most rapidly expanding in the State.

This vast area where this hospital is needed is 20 times larger than the entire State of Rhode Island, and is bigger than a half dozen other States in the Union. In all this area there is not a single veterans' hospital, which means that some veterans have to travel more than 400 miles to receive medical attention.

There have been cases where veterans died traveling from this area to Veterans' Administration hospitals. There have been many cases where veterans have been denied hospitalization benefits because they were unable to make the long trip to the nearest facility.

In this area the climate is much warmer than other areas of the State, and there are many complaints from veterans that they do not do as well when they are taken away to colder areas for hospitalization.

The bill I am introducing today is S. 457, which I introduced in the 86th Congress. It empowers the Administrator of Veterans' Affairs to acquire by purchase, condemnation, or otherwise, a suitable site for the hospital and authorizes erection and operation of a 300-bed facility.

Construction of the South Texas Veterans Hospital has been repeatedly urged by the South Texas Veterans Alliance, an organization representing all veterans groups in the 14th and 15th Congressional Districts.

While location of the hospital will be decided by normal administrative procedure, it is important to note that a very kind lady has offered to donate property for a veterans hospital site, a beautiful lakeside site of over 140 acres worth over a half million dollars, if the hospital is created and erected on this site.

Mr. President, I ask unanimous consent that the bill providing for the construction of a Veterans' Administration hospital in south Texas be printed in the body of the RECORD.

The PRESIDING OFFICER (Mr. MILLER in the chair). The bill will be received and appropriately referred; and, without objection, the bill is ordered to be printed in the RECORD.

The bill (S. 187) to authorize the erection of a U.S. Veterans' Administration hospital in the State of Texas, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the furnishing of general medical and surgical facilities to veterans entitled to hospitalization or domiciliary care, the Administrator of Veterans' Affairs is authorized and directed to acquire by purchase, condemnation, or otherwise, a suitable site in south Texas, and to contract for the erection thereon of a hospital with a capacity of three hundred beds, together with the necessary auxiliary structures, mechanical equipment, domiciliary and outpatient dispensary facilities, and accommodations for all personnel; and the Administrator is authorized and directed to acquire the necessary vehicles, furniture, equipment, and accessories to be used in the maintenance and operation of such

hospital. The Administrator is authorized to accept gifts or donations to assist in defraying the costs of constructing and equipping such hospital.

SEC. 2. In order to carry out the provisions of this Act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of $26,000 per bed.

POULTRY RESEARCH LABORATORY, DELAWARE

Mr. WILLIAMS of Delaware. Mr. President, I introduce today, on behalf of the junior Senator from Delaware [Mr. BOGGS] and myself, a bill, the purpose of which is to establish a disease and nutritional research center for the Delmarva Peninsula to be located in or adjacent to the substation farm of the University of Delaware, near Georgetown, Del.

The poultry industry is the most important agricultural enterprise in Delaware and the Delmarva Peninsula.

The largest portion of the industry is broiler production, with its associated feed, hatchery, and transportation industries.

In Delaware alone, between 65 and 95 million broilers have been produced annually for the past decade, representing a gross income between $50 and $70 million. The Delmarva area produced 180 million broilers in 1957, with a feed bill of $67 million, a payroll of $45 million, and other costs on a comparable scale.

Despite great strides in efficiency of production, a major problem in the industry is that of reducing costs of production so that birds can be sold profitably. Such efficiency requires further improvement in feed conversion ratio, disease control, feed handling, housing, management, and financing.

A recent publication by the Institute of American Poultry Industries of Chicago, Ill., states that the value of poultry condemned by U.S. inspection service in 1959 was estimated to be $90 million and about 75 percent of this was because of air sac infection, one of the diseases that need further research.

There are many diseases of poultry prevalent on the Eastern Shore which are of great importance to the industry.

In addition, there are other problems which we feel have a direct influence on the disease incidence in the area, and which it would seem of paramount importance to investigate simultaneously or concurrently with the disease aspects, all of which no doubt adversely affect the economics of the poultry industry on the Eastern Shore. These are nutrition, genetics, housing, and other management practices. It has been shown in work recently undertaken that these factors play a highly significant role in disease incidence and losses from condemnations.

Recognizing that the diseases and other factors cited may be of great economic importance to the industry on the Eastern Shore, it is also well to point out that some phases of research will always yield data of importance toward a solution of the problems to the industry throughout the United States. Consequently, any research data in this area would complement that in other areas of the country.

Since nutrition and management are also major factors in the production of broilers, one of the greatest potentials for gains in economy of production is probable from research in this area.

A research laboratory such as the one proposed in the bill Senator BOGGS and I are introducing for the study of disease and nutritional problems of poultry will not only benefit the Delmarva area, but will benefit the entire poultry industry.

In introducing this bill, it should be pointed out that the poultry industry is one of the few segments of agriculture which are not being subsidized by the U.S. Government.

Government cooperation, however, in a disease and nutritional research center is helping these farmers in an area in which they cannot operate alone.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 192) to provide for the establishment of a poultry research laboratory in the State of Delaware, introduced by Mr. WILLIAMS of Delaware (for himself and Mr. BOGGS), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

CAPITAL BUDGET FOR FEDERAL GOVERNMENT

Mr. MORSE. Mr. President, as I have several times before, I introduce, for appropriate reference, a bill to provide a capital budget for the Federal Government. It calls for the submission of figures as a part of the budget which will show the division between expenditures for capital investments and expenditures for operating expenses. Under its terms, these figures would not replace any part of the present budget, but would be an addition to it.

The measure I am offering is the same as S. 1244, which I sponsored last year with several of my colleagues. Two similar bills were introduced in the House of Representatives by my colleagues from Oregon, the Honorable EDITH GREEN, of the Third District, and the Honorable AL ULLMAN, of Oregon's Second District. Hearings were held on these measures on June 8 last year by the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations.

It was brought out at these hearings that the Eisenhower administration was opposed to the capital budget, as it has been since it took office in 1952. It was also clear that supporters of the capital budget were prepared to revise the bill in some respects in an effort to meet some of the administration's objections.

However, we will soon have a new administration. The platform upon which it was elected says this about the capital budget and its relationship to natural resources:

> Long-range programing of the Nation's resource development is essential. We favor creation of a Council of Advisers on Resources and Conservation, which will evaluate and report annually upon our resource needs and progress.
>
> We shall put budgeting for resources on a businesslike basis, distinguishing between operating expense and capital investment, so that the country can have an accurate picture of the costs and returns.

The heart of my bill provides that in the estimates transmitted to Congress under section 201 of the Budget and Accounting Act, the President shall distinguish between operating expenditures and capital investments of the Government, and further set forth the productive capital investments, including mortgage loans, which have a useful life of 10 years or more.

It further provides that obligations issued to finance productive capital investments shall not be considered a part of the public debt for the purpose of limitations on the public debt.

Finally, it directs the Council of Economic Advisers to include in its recommendations to the President, and the President to include in his economic report, a minimum and maximum program of proposed capital investments for the next fiscal year, and a 6-year projection of such proposed investments.

It is my hope that the incoming Kennedy administration will give prompt attention to the subject matter of this bill. Its introduction will serve as a basis for a report and recommendation by the new Budget Bureau, and other affected agencies.

One of the great hopes offered by the election of Senator Kennedy is the hope for a revival of the flagging development of the country's natural resources. But in such other major areas of public investment as housing, the Nation is also awaiting a renewal of interest and effort by the Federal level of our Government.

A capital budget is nothing more than a tool which enables the public to get a clear picture of those expenditures which will be recovered. It is a reform recommended by the first Hoover Commission which remains to be put into effect. It deserves prompt attention by the Congress and by the new administration.

I hope we will soon have either a report on the measure I am now offering, or a new proposal for a capital budget from the Kennedy administration.

I send the bill to the desk and ask that it be printed at this point.

I also ask that it be on the table until Friday of next week to enable other Senators who may wish to do so to join as cosponsors.

I will ask that the bill be allowed to remain at the desk until Friday of next week to enable other Senators who may wish to join as cosponsors to do so, and I ask unanimous consent that the statement in explanation of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and will lie on the desk as requested; and, without objection, the bill will be printed in the RECORD.

The bill (S. 195) to amend the Employment Act of 1946 to establish policies with respect to productive capital investments of the Government, introduced by Mr. MORSE (for himself and other Sena-

tors), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Act Amendments of 1961."

DECLARATION OF POLICY

SEC. 2. Section 2 of the Employment Act of 1946 is amended by inserting "(a)" after the section number and by adding thereto the following subsection:

"(b) To assist in achieving these objectives it is the further policy of the Federal Government (1) to distinguish between its operating expenditures and capital investments, (2) to exclude certain productive capital investments from the public debt, and (3) to retire the public debt."

FUNCTIONS OF COUNCIL OF ECONOMIC ADVISERS

SEC. 3. Section 4(c) of such Act (relating to the duties and functions of the Council of Economic Advisers) is amended by changing the designation of paragraph (5) to (6) and inserting after paragraph (4) a new paragraph (5) to read as follows:

"(5) to evaluate each year the Federal budgetary situation as related to the prospective gross national product and other economic indicators and needs, and to recommend, for inclusion in the Economic Report, a minimum and maximum program of proposed capital investments, including, on a segregated basis, productive capital investments for the next fiscal year, and a six-year projection of such proposed investments;".

CAPITAL BUDGET

SEC. 4. (a) Such Act is further amended by adding at the end thereof the following new section:

"SEC. 6. (a) In transmitting to Congress the estimates called for in section 201 of the Budget and Accounting Act, 1921, as amended, the President shall also—

"(1) to the extent and in such detail as he shall designate by Executive order (and so far as practicable consistent with the practices of the Internal Revenue Service) distinguish between operating expenditures and capital investments of the Government, and further set forth the productive capital investments, including mortgage loans, which have a useful economic life of more than ten years and which are revenue producing or self-liquidating in nature;

"(2) advise the Congress as to the progress made in identifying and computing capital investments and more particularly such productive capital investments; and in computing the public debt exclude therefrom an amount equal to such productive capital investments;

"(3) advise the Congress as to a minimum and maximum program of proposed capital investments, including, on a segregated basis, productive capital investments for the next fiscal year, and a six-year projection of such proposed investments; and

"(4) advise the Congress as to the amount of the public debt as computed in accordance with this section and of the effect of the proposed budgetary program upon the retirement of the public debt.

"(b) The amount of obligations issued to finance productive capital investments shall not be considered a part of the public debt for the purpose of limitations on the public debt contained in section 21 of the Second Liberty Bond Act, as amended."

(b) The amendment made by this section shall be effective with respect to each budget transmitted to the Congress pursuant to section 201 of the Budget and Accounting Act, 1921, as amended, after the date of enactment of this Act.

APPLICATION OF GOVERNMENT CORPORATION CONTROL ACT

SEC. 5. The provisions of the Government Corporation Control Act, as amended, with respect to budgets, reporting, auditing, and accounting, shall apply to the functions exercised by any officer or agency of the Government proposing the investment of Federal bond proceeds in productive capital, to the same extent as applicable to wholly owned Government corporations.

AMENDMENT OF INTERNAL REVENUE ACT OF 1954, RELATING TO GIFTS TO INSTITUTIONS

Mr. CARLSON. Mr. President, I introduce a bill which would remove an inequity in the application of section 170 (b)(1)(A)(ii), Internal Revenue Code of 1954, which allows deduction of up to 30 percent of a donor's adjusted gross income if the extra 10 percent comprises gifts to educational institutions.

Thirty or more State universities and land-grant colleges are now blocked, either wholly or in part, from the benefit of this section. These institutions are ones which receive and administer private gifts through separately incorporated foundations, either by necessity or preference.

Schools are defined in the code as having a faculty and students, granting degrees, et cetera. Inasmuch as the endowment association is closely associated with the University of Kansas, and this situation is true in many of our other similar schools, a specific favorable ruling was received from the Bureau of Internal Revenue in 1956, which permitted contributors to the association to take the maximum tax deductibility of 30 percent of adjusted gross income on their gifts.

This year the Bureau of Internal Revenue changed this ruling so that donations to the endowment associations no longer qualify for 30-percent deductibility, but only for 20-percent deductibility.

An inequity results because section 170 (b)(1)(A) applies only to gifts made directly to the specified institutions. Gifts made to separate foundations for the exclusive use or benefit of particular educational institutions do not qualify for the extra 10-percent treatment—Revenue Ruling 60–110, March 28, 1960—even where the recipient foundations are the designated gift-receiving agencies of the affected universities.

There are 44 or more such gift-intermediary foundations associated with State universities and land-grant colleges. Each such foundation serves one particular university and is controlled by its parent institution in practice, although not in law.

At least 14 universities in 9 States cannot receive or administer private gifts without the services of such gift-intermediary foundations. In these cases, some element in State law prevents the corporate university from receiving or administering private gifts as specified by donors. In most cases, however, such foundations exist at the preference or for the convenience of their parent universities rather than by absolute necessity.

In order to preserve the original intent of section 170(b)(1)(A)(ii), it is proposed that amendment be made to section 503(b)(2)—which defines the educational institutions which may benefit from the extra 10-percent rule—to provide for gift-intermediary foundations of the type here described.

I realize that tax legislation must originate in the House of Representatives, and I sincerely hope that, once legislation of this type is approved by the House, we may get early action in the Senate.

Action on the proposed amendment is so urgent that I expect to offer it as an amendment to the first bill dealing with tax legislation that comes before the Finance Committee from the House of Representatives.

Mr. President, I ask unanimous consent that the bill, together with a general statement of reasons favoring the proposal, be made a part of these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 196) to make the treatment under the Internal Revenue Code of 1954 of certain foundations, all of which are closely associated with State colleges and universities and which act as intermediary recipients and administrators of gifts for the exclusive use or benefit of those colleges and universities with the consent, identical with that of those institutions, introduced by Mr. CARLSON, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503(b)(2) of the Internal Revenue Code of 1954 (relating to the definition of educational organizations) is amended by inserting "Either—(A)" at the beginning of the paragraph, by inserting "or" at the end of the paragraph, and by inserting after the paragraph the following new subparagraph:

"(B) an organization operated substantially to receive and hold, invest, administer or expend property, less expenses, exclusively for the use or benefit of a particular educational organization of the type described in subparagraph (A) of this paragraph and in section 511(a)(2)(B) (relating to State colleges and universities), except that no organization may qualify under this subparagraph if it disburses funds in a manner unacceptable to the said educational organization."

The statement presented by Mr. CARLSON is as follows:

GENERAL STATEMENT OF REASONS FAVORING THE PROPOSAL

The attached amendment to section 503(b)(2) of the Internal Revenue Code of 1954 is proposed on behalf of a number of State universities and land-grant colleges which have separate foundations acting as their designated agents for receiving and administering endowment funds and other gifts. The present wording of section 170(b)(1)(A)(ii) of the code has made it impossible for some of these universities to benefit from the extra 10-percent deduction rule which Congress meant they should enjoy. This

amendment is thus proposed to remove an unintended inequity.

In enacting the extra 10-percent provision, Congress intended this special benefit specifically for colleges and universities, churches and associations of churches, and hospitals, and these alone. It did not wish to include quasi-educational organizations which might be charitable, wholly worthy and exempt, but are not actually schools. It meant specifically to exclude charitable foundations not directly associated with particular colleges and universities, even though all the beneficences of such a foundation might be for educational purposes. Section 170(b)(1)(A)(ii) was therefore written narrowly, applying only to gifts made directly to colleges and universities—not, as usually provided with respect to gift deductibility elsewhere in the code, gifts made for the use of such institutions. (For further discussion of the congressional intent, see appendix D.)

Congress did not realize that there are some State universities and land-grant colleges which rarely if ever receive gifts directly. Some of these institutions are legally prohibited from receiving gifts—gifts meant for them must go to the State, for instance, which is not thereby obligated to use the funds so received for the university—but most of them prefer to receive private support through intermediary foundations rather than being obligated to do so. The exact reasons for this practice vary from State to State, but typically include such factors as administrative simplicity, removal from any possible political involvement, and investment flexibility.

Where a State university or land-grant college has such an intermediary foundation which handles gift funds on its behalf, that institution is now either denied outright the benefit of section 170(b)(1)(A)(ii), or able to enjoy it only by altering its preferred procedures. The Internal Revenue Service has, in Revenue Ruling 60–110 (Mar. 28, 1960), denied the extra 10-percent privilege to university foundations of this type, since legally such foundations are separate corporations. Gifts to them are thus not legally gifts to a university, even though, in fact, they are.

These intermediary foundations are integral, essential parts of their universities in all practical respects. They perform a group of functions which are handled through regular administrative offices at other colleges and universities. They receive gifts, both for current use and for endowment; enter into contracts, and receive funds as trustees; manage properties and investments; acquire campus land and erect university buildings; and administer student loan programs, scholarships, and faculty projects. One such foundation is in the unusual position of being the legal owner of much of its university's campus land and buildings. In general these foundations do a variety of things which are normal, accepted functions of colleges and universities. They merely do them through separate corporations rather than through the university corporation.

There are many historical, legal, and operating links between these foundations and their parent institutions. Most such foundations were set up at the instigation of university presidents or chancellors. University presidents or their representatives are commonly included on the boards and executive committees of the foundations. In practice, although not generally as a legal requirement, the foundations disburse funds only as specifically desired by the university administration. Alumni of the institution predominate on the board of such a foundation. Each of the foundations serves one particular tax-supported college or university.

To illustrate these points specifically, attached as appendixes A, B, and C are detailed descriptions, respectively, of the Kansas University Endowment Association, the University of Nebraska Foundation, and the University of Oklahoma Foundation, Inc. These three examples, chosen from the same part of the country to minimize any question of regional differences, illustrate the functions and diversity of such organizations.

There are known to be at least 44, but probably fewer than 100, such foundations in the United States. Of these, the foundations of at least 14 institutions in 9 States (Iowa, Kansas, New York, Oregon, South Dakota, Utah, Virginia, West Virginia, and Wisconsin) are especially affected because of some specific legal impediment concerning the receipt, investment, or administration of gift funds by the corporate universities supported by those States.

The actual effect of the present inequity has varied widely from university to university. The problem is most important to those foundations now doing the best jobs of attracting private support for their universities, since the extra 10 percent deductibility factor has practical meaning only to the prospective donor of an exceptionally large gift. Such donors come most often to the alert fund raising officers who find them. Some foundations have never had prospective donors whose gifts were of such size that the extra 10 percent had a practical effect. For those who have had prospective large gifts lost or delayed by the present inequity, however, the situation has been especially painful because it adversely affects the most important gifts—the biggest ones.

It is proposed by the attached amendment to remove this inequity by specifically qualifying gift-intermediary foundations closely associated with publicly supported colleges and universities, where the disbursements made by the foundations have university approval.

Amendment is proposed to section 503(b)(2), the paragraph which defines the educational organizations which may benefit from section 170(b)(1)(A)(ii), rather than to the latter section because this seems a more workable way of preserving the original intent of section 170(b)(1)(A). Amending the latter could weaken the intended general distinction between gifts "to" and gifts "for the use of" educational institutions. This distinction should, we believe, be preserved. We propose an exception specifically and only for gift-intermediary foundations closely associated with State universities, land-grant colleges and other tax-supported colleges and universities. Without this exception, the institutions themselves cannot fully benefit from a provision intended for them.

VOLUNTARY PENSION PLANS BY SELF-EMPLOYED INDIVIDUALS—CONVEYANCE OF CERTAIN LAND TO CLARK COUNTY, IND.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Indiana [Mr. HARTKE], I introduce two bills for appropriate reference and ask that the statements accompanying them be incorporated at this point in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the statements will be printed in the RECORD.

The bills, introduced by Mr. MANSFIELD (for Mr. HARTKE), were received, read twice by their titles, and referred, as indicated:

To the Committee on Finance:

S. 197. A bill to encourage the establishment of voluntary pension plans by self-employed individuals.

The statement of Mr. HARTKE accompanying the above bill is as follows:

STATEMENT BY SENATOR HARTKE

I introduce for appropriate reference a bill to amend the Internal Revenue Code of 1954 so as to encourage self-employed individuals to establish voluntary pension plans.

This legislation simply permits self-employed individuals to take care of their retirement needs during their working years. It will give to the self-employed the same benefits of our tax laws which are now enjoyed by employees of businesses and corporations. The benefits of the bill are much more modest than those given to corporation employees and officers, since there is a limitation placed on the amount which self-employed individuals may contribute to a retirement plan.

Legislation encouraging thrift and self-reliance has always been looked upon with favor by American citizens. We encourage corporations and businesses to provide retirement plans for their employees, but self-employed individuals have been left out. This legislation will encourage them to provide for their retirement needs themselves. This will encourage individual initiative.

We have delayed action in this field too long. I earnestly hope that it will be possible for the Senate Finance Committee to begin hearings on this legislation early this year so that we may take final action before the end of this session.

To the Committee on Armed Services:

S. 198. A bill to authorize the Secretary of the Army to convey certain land located in the State of Indiana to Clark County, Ind.

The statement of Mr. HARTKE accompanying the above bill is as follows:

STATEMENT BY SENATOR HARTKE

I introduce for appropriate reference a bill to provide for the transfer of certain property currently within the possession of the Department of the Army to Clark County, Ind. Upon accomplishment of the transfer, the land will be designated for the use and disposition of the 4–H Club of the county.

It was my pleasure to introduce legislation of a similar nature in the closing days of the last session of Congress.

The State of Indiana is one which possesses a proud and noble agricultural heritage. Agriculture has been a strong facet in the economy of Indiana, and Indiana has been a substantial contributor to the agricultural betterment of the United States.

But the maintenance of such productivity is allowed only by the development of the skills of our young farmers.

It is my hope, that the transfer of this land might effect a more compatible means of education and development of the young agricultural minds of Indiana, and I strongly urge that Congress take favorable action upon this bill in order that the needed facilities may be at the disposal of the Clark County 4–H Club.

DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to amend the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment.

Incredible as it may seem, under existing law, a postal worker who is involved in an accident while driving a Government truck during the course of

his duties can be held personally liable for any damages. This is a manifestly unjust situation that should be corrected at the earliest possible date.

I have long sought a remedy for this inequitable situation which has in the past been remedied only on an individual basis by private legislation.

A study was made of the best way to effect this change during the last session of the Congress, but unfortunately, and inadvertently I fear, the measure last year was amended in such a way as to make it inconsistent with the body of Federal law and practice in the field of tort claims.

This bill, in the form in which I am now introducing it, should be satisfactory on all counts. No longer will the postal employees, or any other Federal workers in a similar position have to be tried in a personal capacity. The Government will bear the defense costs and assume the liability as determined in a Federal court. These cases will be tried in a Federal district court under the Federal Tort Claims Act. This should not work any great hardship upon the plaintiff, but it should for the first time provide adequate and equitable protection for the drivers of postal vehicles. I urge all my colleagues to give their support to this worthwhile and much needed legislation.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 202) to amend title 28, entitled "Judiciary and Judicial Procedure," of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2679 of title 28, United States Code, is amended (1) by inserting the subsection symbol "(a)" at the beginning thereof and (2) by adding immediately following such subsection (a) as hereby so designated, four new subsections as follows:

"(b) The remedy by suit against the United States as provided by section 1346 (b) of this title for damage to property or for personal injury, including death, resulting from the operation by any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim.

"(c) The Attorney General shall defend any civil action or proceeding brought in any court against any employee of the Government or his estate for any such damage or injury. The employee against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the head of his department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought to the Attorney General, and to the head of his employing Federal agency.

"(d) Any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (b) of this section is not available against the United States, the case shall be remanded to the State court.

"(e) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677, and with the same effect."

SEC. 2. The amendments made by this Act shall be deemed to be in effect six months after the enactment hereof but any rights or liabilities then existing shall not be affected.

Amend the title so as to read: "A bill to amend title 28, entitled 'Judiciary and Judicial Procedure', of the United States Code to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment, and for other purposes."

AMENDMENT OF SECTION 315(A) OF COMMUNICATIONS ACT

Mr. MAGNUSON. Mr. President, I submit a bill for introduction and for appropriate reference.

I might say to the Members of the Senate that last year I sponsored a bill to amend section 315(a) of the Communications Act which would allow the networks of the country to proceed to make time available to presidential and vice-presidential candidates in the election which has just become history, and concerning which some more history will shortly be made on the other side of the Capitol.

I have consulted many persons involved in this matter, including both political parties. The bill I introduced last year to amend the section was temporary; it provided only for the campaign just past.

In order to bring the matter before the Senate again, I am reintroducing the amendment to the Communications Act, section 315(a), which would make the amendment permanent and would allow availability of time for presidential and vice-presidential candidates.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 204) to provide that section 315(a) of the Communications Act of 1934 shall not apply to candidates for the offices of President and Vice President of the United States, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

USE OF TELEVISION STATIONS FOR SCHOOLS AND COLLEGES

Mr. MAGNUSON. Mr. President, today I am reintroducing on behalf of the senior Senator from the State of Kansas [Mr. SCHOEPPEL], and myself, the measure designed to help activate many of our idle educational television channels.

This measure which passed the Senate during the 86th Congress would allocate $1 million to each State and the District of Columbia toward the purchase or installation of equipment to get educational television stations on the air. None of the appropriation authorized could be used for personnel or program service.

As this measure is presented again to the Senate, I recall the article written for the National Association of Educational Broadcasters Journal and printed in the May-June 1960 edition:

We have our race for space. We have shown haste to face the missile gap. However, thus far, we have set no pace to erase the gap in educational television which measures almost two-thirds of our Nation in breadth.

Many contend that we have given our educators more advice than funds, more students than desks, more technology to teach than we have modern tools to teach it, including educational television.

On April 14, 1952, the Federal Communications Commission set aside 242 channels for noncommercial educational stations. Now that number has been increased to 257. Less than 55 stations are on the air today.

During that same period, what has happened in other fields?

Both Russia and America have placed satellites in orbit, launched deep space thrusts, made supersonic missiles operational, adapted atomic propulsion to water navigation.

Our travelers have become accustomed to crossing the continent in less than 4 hours and the Atlantic Ocean during daylight hours. But two-thirds of our students have progressed eight grades without having educational television available to them.

For the one-third of the Nation's school population which has used educational television, the experience has been most rewarding and promising. To know exactly how rewarding and promising, you should have sat with me in my Senate Interstate and Foreign Commerce Committee room a year ago.

Had you been a parent listening, you would have heard other parents tell how their children had gained in knowledge through educational television.

Had you been a teacher, you would have heard eager fellow educators telling what a tool the medium is when applied as a teaching supplement.

Had you been a lawmaker, the problems of utilizing educational television properly would have been most revealing and heart touching.

You would have learned of innumerable community meetings held, countless conferences convened, reams of minutes taken, and many sound conclusions reached.

Testifying before my committee were those who had channels allocated but not activated. Those who had stations in service. Those who had seen educational television in service elsewhere and now wanted it for their areas, their children.

There was no shortage of desire for an educational television station. Nor was any lessening of need indicated. Only a shortage of dollars was indicated to buy equipment, install it, get the picture into the classroom.

The dollars trouble me, as they do you.

Those offering testimony saw in my measure, S. 12, being reintroduced in the Senate today, a chance to obtain part of the dollars they need. This help, they felt, can spell the difference between having a channel which is allocated but unused or a channel beaming programs to students.

Each witness knew that even $1 million allocated to each State and the District of Columbia, as provided by the Magnuson measure, would not stretch far. They knew the dollars supplied could be used only to buy equipment or install it. After the station was on the air, no Federal funds under the Magnuson Act could be used for either personnel or program service.

But they must have equipment before programs. The equipment must be installed. So they were for my bill. They thought it should be speedy. That no time be wasted getting the program in operation.

That was a year ago.

I have been fighting for this legislation for the past 4 years. This was a logical next step, since we had won the battle to have these channels reserved exclusively for educational purposes.

If this effort meets with success and we can immediately double or triple the number of educational stations now on the air, considering that we now have less than 55, this can be an important step forward.

If every community could proceed as did my home city of Seattle, then the problem could be lessened.

Loren Stone, who directs channel 9, Seattle, tells me that the $1 per student contribution made by the majority of school districts, King County, and Seattle city schools, coupled with the same payment from Seattle University and Seattle Pacific College provides about two-thirds of the station's annual budget. The other one-third comes from the University of Washington. Other areas have tried much the same plan with varying degrees of success.

But in Seattle it works.

Cutting down operational costs there is the arrangement for the University of Washington to provide studio and office facilities on the campus, and, through the school of communications, to make students available to augment the station's small professional staff. Housing for the station transmitter is provided at Edison Technical School and Edison's students maintain and operate the facility.

However, at channel 9's start, capital funds came almost exclusively from outside the local educational group. The Fund for Adult Education, an independent agency created by the Ford Foundation, made a grant to the station of $150,000, upon the condition the station raise double that amount in local matching funds. Commercial television station KING–TV, owned by Mrs. Scott Bullitt made a gift of television equipment, including a transmitter, two camera chains, a tower, and many other useful items valued at $121,963. A community-wide drive for funds produced $33,441. The Emerson Radio & Phonograph Corp. made a grant of $10,000 to the station as being one of the first 10 educational television stations to commence broadcasting. The University of Washington provided studio and building facilities, which for purposes of the required matching funds, have been valued at $275,000.

Through this supercommunity effort and the humanitarian gesture by Mrs. Bullitt, we now have "Calculus," a half-hour three-times-a-week series for accelerated mathematics students going to our high school seniors in the Seattle-King County area.

Our third graders get "Panchito y los Animales," a quarter-hour three-times-a-week series in the Spanish language.

Junior high students studying Washington State history can look up from their books to catch "Reliving the Past," a weekly series carried on channel 9.

The "Listen and Say" basic speech and reading program commands wide attention in our primary classes.

To permit the greatest possible elasticity, the classroom teacher can pluck from the air the individual program best suited for her room at the time she wants it because each of the in-school programs are repeated two or three times during the day or week. These repeats are made from kinescopes made of the programs in channel 9's studios. Thus repeats are possible in future years and loans are possible to schools outside the station's coverage area.

Loren Stone informs me that channel 9 has an evening schedule including an hour for children from 7 to 8, an hour of telecourses from 8 to 9, and an hour of general cultural and informational programs for adults and the entire family from 9 to 10.

Each of you has an example to draw upon from the nearest educational station. Perhaps you, as I, have talked with children who view the programs, use the facility to give new meaning to textbook pages, learn by seeing as well as hearing.

Actually, one cannot know the full meaning nor potential of educational television until you have sat down with the student, the teacher, the parent, and talk concrete results.

The results are eloquent.

So was Dean Gordon Sabine, of Michigan State University, when he told my committee last year:

> The educational needs of the United States have so far outstripped the educational capabilities of the Nation that we must have educational television to help us win the fight to educate a whole people. Without it, we surely are defeated.

Then the words uttered by Richard B. Hull, director of radio and television broadcasting for the Ohio State University in Columbus still echo in the hearing room:

> With the kind of Federal aid which S. 12 provides, aid which specifically forbids any kind of Federal direction or control, a "grassroots" educational television development at the State level for the first time becomes possible, and the electronics mass media, already harnessed to the purposes of business and industry can become available to education.

This testimony, and thousands of words in the same vein, give stature to the hearing record on S. 12. They gave impetus to the measure when it passed the Senate.

But the only real satisfaction can come when the electronic picture tube lights up in those classrooms in the other two-thirds of our Nation to let those students have this vibrant, vital new educational supplement that is television.

Until these tubes glow, our job remains unfinished.

I wish to let the bill remain on the desk so that the names of additional sponsors may be added to it.

The PRESIDING OFFICER. May the Chair ask the Senator how long he wishes the bill to lie on the desk?

Mr. MAGNUSON. At least 3 or 4 days; at least until Tuesday or Wednesday of next week, because many Senators will not be here over the weekend.

The PRESIDING OFFICER. Four days, then?

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill will lie on the desk as requested.

The bill (S. 205) to expedite the utilization of television transmission facilities in our public schools and colleges, and in adult training programs, introduced by Mr. MAGNUSON (for himself and Mr. SCHOEPPEL), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

PROTECTION OF WATER RIGHTS OF STATES

Mr. HRUSKA. Mr. President, on behalf of my colleague [Mr. CURTIS], the senior Senator from Colorado [Mr. ALLOTT] and myself, I introduce, for appropriate reference, a bill to affirm and recognize the water laws of the States lying wholly or partly west of the 98th meridian.

Mr. President, on two previous occasions, like bills on the same subject have been introduced in this body.

It is considered necessary to give legislative assurance of the integrity of western water rights, in view of the adverse implications arising from recent Supreme Court decisions, in particular in the case of *Federal Power Commission* v. *Oregon* (349 U.S. 435 (1955)).

Much discussion and effort have already been devoted to the question. There are on file reports from departments and agencies having programs or interests connected with western water

rights. It comes as no surprise to find that divergent views on such legislation were expressed. But a concern for reasonable protection of Federal programs and interests—which, incidentally, this bill provides for—should not altogether hold up legislative action and thus deprive persons in reclamation States of the needed assurance of their vested property rights in the use of water.

I send the bill to the desk, Mr. President, with the request that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 211) to affirm and recognize the water laws of the States lying wholly or partly west of the 98th meridian, introduced by Mr. HRUSKA (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CASE of South Dakota. Mr. President, will the Senator from Nebraska yield for a question?

Mr. HRUSKA. I yield.

Mr. CASE of South Dakota. The purpose of the bill is to protect the States' water rights. Let me ask whether in any way the bill would modify the so-called O'Mahoney-Milliken amendment in the Flood Control Act of 1944.

Mr. HRUSKA. It is not my recollection that it does; I do not think it touches that part of it at all.

For the information of the Senator from South Dakota, let me say that the bill I am now introducing is the same, in its provisions, as the one introduced 4 years ago by Senator Barrett, of Wyoming. That will identify the bill with the Senator's recollection, I am sure.

Mr. CASE of South Dakota. If that is the bill, I wish to commend the Senator from Nebraska for introducing it; and I would be happy to be associated with him in sponsoring the bill.

Mr. HRUSKA. I shall be happy to have the name of the Senator from South Dakota included as a cosponsor.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT TO PROTECT THE PUBLIC FROM UNSANITARY MILK AND MILK PRODUCTS

Mr. HUMPHREY. Mr. President, on behalf of Senators MCCARTHY, PROXMIRE, WILEY, and myself I introduce, for appropriate reference, a bill which is designed to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce.

This proposal, aside from minor technical changes to clarify the wording of several provisions, is identical to the milk sanitation bill which I introduced in the 86th Congress. Representative LESTER JOHNSON, of Wisconsin, has introduced the same measure in the House of Representatives.

During the last session of Congress, extensive hearings were held on this proposed legislation by the Subcommittee on Health, of the Senate Labor and Public Welfare Committee, and by the House Subcommittee on Health and Safety; and during those hearings the proposal was discussed in detail.

By establishing the United States Public Health Service's proven milk code as the quality yardstick for milk moving in interstate trade, the National Milk Sanitation Act would eliminate the use of arbitrary local health standards as trade barriers against the shipment of high-quality milk from one State to another. Currently, many eastern and southern milk markets are hemmed in by sanitary standards which do more to protect local milk monopolies than to protect the public health.

Milk and milk products are the only agricultural products prevented from moving freely in interstate commerce. This is obviously unfair to producers who live in areas, such as in Minnesota and Wisconsin, that provide the ideal conditions for volume production. It is also unfair to the consuming public to deny them the benefits resulting from the free flow of trade.

The National Milk Sanitation Act is intended to bring commerce in milk and milk products out of the 19th cenutry into the present day, for the betterment of the general welfare.

Mr. President, I ask unanimous consent that the text of this legislative proposal be printed at the conclusion of these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 212) to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce, without unduly burdening such commerce, introduced by Mr. HUMPHREY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Milk Sanitation Act".

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE VIII—MILK SANITATION

"Congressional findings

"SEC. 801. The Congress hereby finds that the sanitary control of fluid milk and certain milk products is necessary to protect the public health and recognizes that the exercise of such sanitary control is primarily the responsibility of State and local governments, but that no State or local government has the right to obstruct the free movement in interstate commerce of milk and milk products of high sanitary quality by use of unnecessary sanitary requirements or other health regulations.

"Definitions

"SEC. 802. For purposes of this title—

"(1) The term 'milk' means the lacteal secretion, practically free from colostrum, obtained (A) by the complete milking of one or more healthy cows, which contains not less than 8¼ per centum milk solids-not-fat and not less than 3¼ per centum milkfat, or (B) by the complete milking of healthy goats.

"(2) The term 'milk product' means (A) cream, sour cream, light cream, whipping cream, light whipping cream, heavy whipping cream, half and half, reconstituted half and half, whipped cream, concentrated milk, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, cottage cheese, and creamed cottage cheese, as such products are defined in the edition of the Public Health Service's recommended Milk Ordinance and Code (unabridged form) which is current on the date of enactment of this title; (B) any other fluid product made by the addition of any substance to milk or to a product specified in clause (A), if the Surgeon General, by regulation, designates the product so made as a milk product for purposes of this title on the basis of a finding that such product is used for purposes similar to those of milk products specified in clause (A) and is shipped in interstate commerce in sufficient quantities to be of public health importance and to warrant its control under this title; and (C) nonfat dry milk products and other dry milk products, when used or intended for use in the manufacture of a milk product specified in clause (A) or pursuant to clause (B): *Provided,* That upon the becoming effective, under section 401 of the Federal Food, Drug, and Cosmetic Act, of a definition and standard of identity for milk, or for any milk product specified in or pursuant to this paragraph, such definition and standard of identity shall govern to the extent of any inconsistency between it and the definition specified in or under this or the preceding paragraph.

"(3) The term 'interstate milk plant' means, except as otherwise provided in this paragraph, any establishment or facility (including equipment, vehicles, and appurtenances in, or operated in connection with, such establishment or facility) (A) in which milk or milk products are collected, handled, processed, stored, pasteurized, or bottled or otherwise packaged or prepared for distribution, and (B) from which milk or milk products are shipped in interstate commerce. In any case in which, in lieu of utilization of a fixed establishment or facility, an interstate milk shipper utilizes one or more trucks or other mobile facilities for collecting milk or milk products (or performing any other function or functions specified in clause (A) of the preceding sentence) and directly shipping such milk or milk products in interstate commerce, such truck or trucks or other mobile facilities, and equipment and appurtenances operated in connection therewith, shall collectively, in accordance with regulations, be deemed to be an 'interstate milk plant'.

"(4) The term 'milk supply', when used with respect to an interstate milk plant, means the dairies, dairy farms, and plants directly or indirectly supplying the plant with milk or milk products.

"(5) The term 'State milk sanitation rating agency' means the State health authority, except that in any State in which there is a single State agency, other than the State health authority, engaged in making sanitation ratings of milk supplies, the term shall mean such other State agency.

"(6) The term 'receiving State' means any State into which any milk or milk product emanating from an interstate milk plant is introduced or offered for introduction; and the term 'receiving locality' means any municipality or other political subdivision of a State into which any milk or milk product emanating from an interstate milk plant in another State is introduced or offered for introduction.

"Federal Milk Sanitation Code

"SEC. 803. For the purposes of rating, certification, and listing of interstate milk

plants and their milk supply as provided by this title, the Surgeon General shall by regulation promulgate, and may from time to time amend, a Federal Milk Sanitation Code which shall set forth milk and milk product sanitation standards and sanitary practices (including standards as to inspections, laboratory examinations, and other routine official supervision by local or State milk sanitation authorities, or by both) which, if effectively followed, would in his judgment result in a supply of milk and milk products of a sanitary quality at least equivalent to that of—

"(1) Grade A raw milk for pasteurization and Grade A pasteurized milk, respectively, and

"(2) milk products containing only grade A raw milk as their milk component and intended for pasteurization, and milk products containing only grade A pasteurized milk as their milk component, respectively, produced or processed, or both, in conformity with the provisions of the edition of the Public Health Service's recommended Milk Ordinance and Code (unabridged form) which is current on the date of enactment of this title.

"Compliance ratings

"SEC. 804. (a) The Surgeon General shall by regulation promulgate, and may from time to time amend, standard rating methods and criteria for determining through compliance ratings, with respect to milk and milk products, the degree to which interstate milk plants and their milk supply comply with the Federal Milk Sanitation Code. Such ratings shall be expressed in terms of percentages of full compliance.

"(b) The Surgeon General shall announce, by regulation, the minimum compliance rating (pursuant to such rating standards) which, in his judgment, are necessary to give satisfactory assurance that milk and milk products shipped from interstate milk plants receiving such ratings will have been produced, handled, transported, and processed in substantial conformity with the Federal Milk Sanitation Code, except that the minimum so prescribed shall not be less than 90 per centum.

"Submission of State plans

"SEC. 805. The State milk sanitation rating agency of any State which wishes to obtain for its interstate milk shippers the benefits of this title shall submit to the Surgeon General for approval a State plan for periodically (but not less often than annually) rating interstate milk plants located in such State, and their milk supply, on the basis of the standard rating methods and criteria in effect under section 804(a), and certifying to the Surgeon General those interstate milk plants and their milk supply receiving a compliance rating at least equal to the minimum ratings established under section 804 (b). Such plan shall be accompanied or supplemented by such information concerning milk sanitation control activities of the State agency and of local official milk sanitation control agencies, and such other relevant information, as the Surgeon General may request.

"Approval, suspension, and revocation of State plans

"SEC. 806. (a) The Surgeon General shall approve a State plan submitted under section 805 if it meets such requirements as he determines to be necessary to obtain reliable ratings for the purpose of maintaining the list provided for by section 807, including a requirement that such ratings will be made only by State rating officials who are full-time employees of the State milk sanitation rating agency (or under interstate arrangements, by full-time employees employed by a sister State having an approved plan or by both States jointly) and hold a currently valid certificate of qualification issued or renewed by the Surgeon General. Approval of a State plan shall be for such period (but not exceeding three years) as may be fixed by regulation.

"(b) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State milk sanitation rating agency, finds that—

"(1) the State plan has been so changed that it complies with neither the requirements for State plan approval in effect at the time such plan was last approved, nor with the requirements for State plan approval as last amended, or

"(2) in the administration of the State plan there is a failure to comply substantially with any provision contained in such plan, the Surgeon General shall revoke his approval of such State plan. The Surgeon General may suspend his approval of a State plan at any time after giving the notice of hearing referred to above and pending such hearing and decision thereon if in his judgment the protection of the public health so requires.

"Listing of certified interstate milk plants

"SEC. 807. (a) The Surgeon General shall establish and maintain a list of certified interstate milk plants, and shall publish such list, or revisions or amendments thereof, not less often than quarterly. Except as provided in subsection (b), an interstate milk plant shall be included on such list if such plant and its milk supply, by a certificate currently in effect at the time of such listing, has been certified to the Surgeon General by a State milk sanitation rating agency under an approved State plan as having compliance ratings at least equal to the minimum ratings established by the Surgeon General under section 804(b). Such list shall identify the interstate milk plant or plants involved in any such certification, the persons having legal ownership or control thereof, and in accordance with the regulations, the milk and milk products covered by the certification.

"(b) The Surgeon General shall not include or permit to remain on the list provided for under subsection (a) any interstate milk plant if—

"(1) the person having legal ownership or control thereof does not consent to the listing of the interstate milk plant, or

"(2) the last rating upon which the certification of the plant and its milk supply was based is more than one year old, or

"(3) the State milk sanitation rating agency gives written notice to the Surgeon General that the plant and its milk supply is no longer entitled to the minimum rating required for listing, or

"(4) the Surgeon General, after investigation made on his own initiative or upon complaint of a receiving State or locality, finds that the plant and its milk supply, though duly certified, is not entitled to the minimum rating required for such certification.

"(c) (1) Any decision of the Surgeon General—

"(A) to exclude or remove an interstate milk plant from the list pursuant to paragraph (4) of subsection (b) of this section or pursuant to section 810(b), or

"(B) not to take such action upon complaint of a receiving State or locality under paragraphs (4) of subsection (b),

shall, in accordance with regulations, be made by order stating the findings and conclusions upon which it is based. Notice of such order shall be given to the person having legal ownership or control of such plant, the State milk sanitation rating agency whose rating of such plant is involved, and the complainant State or locality, if any, and such order shall, except as otherwise provided in paragraph (3) of this subsection, become effective on the date specified therein but in no event earlier than the thirtieth day after the date of its issuance.

"(2) At any time before an order pursuant to paragraph (1) or (3) of this subsection is issued or becomes effective, the Surgeon General may by order defer or suspend the listing of any plant when, in his judgment, the protection of the public health so requires.

"(3) At any time before the effective date of an order issued pursuant to paragraph (1), any person (including any complainant receiving State or locality) adversely affected by such order and entitled to notice thereof, and the State milk sanitation rating agency (if any) whose rating of an interstate milk plant is involved, may file objections thereto (stating the grounds of such objections) and request a public hearing, and the filing of such objections and request shall operate to stay the effectiveness of such order, but shall not operate to stay any order of deferment or suspension under paragraph (2) of this subsection. The Surgeon General shall, upon the basis of the record of such hearing, by order confirm, modify, or set aside his prior order and the findings and conclusions stated therein, and specify the date, not later than thirty days after its issuance, on which the order entered after such hearing shall take effect.

"(d) (1) Any person (including any complainant receiving State or locality) adversely affected by an order of the Surgeon General issued pursuant to paragraph (3) of subsection (c) of this section and entitled to notice under paragraph (1) of subsection (c), and the State milk sanitation rating agency (if any) whose rating is involved, may appeal to the United States court of appeals for the circuit in which the interstate milk plant involved is located by filing with such court, not later than sixty days after the date of issuance of the order based upon the record of such hearing, a notice of appeal. The jurisdiction of the court shall attach upon the filing of such notice of appeal. A copy of such notice of appeal shall be forthwith transmitted by the clerk of the court to the Surgeon General or any officer designated by him for that purpose.

"The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.

"(2) The court shall have jurisdiction to enter, upon the basis of the record of the proceedings filed with it in accordance with paragraph (1) of this subsection, a judgment affirming or setting aside, in whole or in part, the decision of the Surgeon General. The findings of the Surgeon General as to any fact, if supported by substantial evidence when considered on the record as a whole, shall be sustained, but the court may, on good cause shown, remand the case to the Surgeon General to take additional evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous order, and shall file with the court any such modified findings of fact and order, together with the record of the further proceedings. Such additional or modified findings of fact and order shall be reviewable only to the extent provided for review of the findings of fact and order originally filed with the court. The judgment of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"Prohibition against discrimination against sanitary out-of-State milk and milk products

"SEC. 808. (a) Except as provided in subsection (b)—

"(1) no milk or milk product which emanates from an interstate milk plant in another State, while such plant is listed by the Surgeon General under section 807 with respect to the milk or milk product, as the case

may be, shall be subject to seizure or condemnation in, or to exclusion from, a receiving State or locality, or from transportation, distribution, storage, processing, sale, or serving in such State or locality, and

"(2) no processor, producer, carrier, distributor, dealer, or other person handling such milk or milk product shall be subject to punishment, or to denial of a required license or permit,

by reason of the failure of such milk or milk product, or of the sealed container or vehicle (complying with the Federal Milk Sanitation Code) in which such milk or milk product was brought into the State, or of an interstate milk plant in another State or its milk supply, or of any transportation or handling facility, in which such milk or milk product was produced, processed, carried, or handled, to comply with any prohibition, requirement, limitation, or condition (including official inspection requirements) relating to health or sanitation and imposed by or pursuant to any State or local law, regulation, or order of the receiving State or locality, or by any officer or employee thereof. In the event any milk or milk product emanating from a listed interstate milk plant in another State and complying with the Federal Milk Sanitation Code is commingled with milk or milk products from within the receiving State the provisions of the preceding sentence shall apply to the resulting mixture, except that nothing in this section shall be construed to prevent the application of such State or local laws, regulations, or orders to such mixture by reason of the failure of such milk or milk product of intrastate origin not emanating from an interstate milk plant in another State, to comply therewith immediately prior to such commingling.

"(b) Subsection (a) shall not be deemed to prohibit any receiving State or locality from—

"(1) subjecting any milk or milk product, upon its arrival from another State, to laboratory or screening tests in accordance with standard methods for the examination of dairy products provided for in the Federal Milk Sanitation Code, and rejecting the shipment if upon such examination it fails to comply with the bacterial and coliform count standards, temperature standards, composition standards, and other criteria of such code relating to the then physical condition of such milk or milk products, and

"(2) enforcing sanitary laws and regulations, equally applicable to milk or milk products not coming from outside the State—

"(A) to require pasteurization of raw milk or raw milk products brought into the State before delivery to retail sale or consumer-serving establishments or before use in making milk products or other products,

"(B) to otherwise protect milk or milk products from contamination or deterioration after arrival through requirements as to temperature and sanitary handling, transportation, and storage: *Provided*, That the State or locality may not, except as provided in subparagraph (C), reject the sealed container or vehicle, as such, in which the milk or milk product arrived in the State, if it complies with the Federal Milk Sanitation Code, or

"(C) as to the type of container in or from which milk or milk products may be sold at retail or served to consumers.

"Civil action to restrain interference with operation of title

"SEC. 809. The United States district courts shall, regardless of the amount in controversy, have jurisdiction of any civil action to restrain the application of any law, ordinance, regulation, or order of any State or political subdivision of a State, or to restrain any action of an officer or agency of a State or political subdivision of a State, which interferes with, conflicts with, or violates any provision of this title. Such action may be brought by the United States, or by any interested person. Nothing in this section shall be deemed to deprive any court of a State of jurisdiction which it would otherwise have to restrain any such application or action which interferes with, conflicts with, or violates any provision of this title.

"Inspection by Surgeon General

"SEC. 810. (a) The Surgeon General may make such inspections of interstate milk plants and plants proposing to become interstate milk plants, and of their milk supply, and such laboratory examinations, studies, investigations, and ratings, as he may deem necessary in order to carry out his functions under this title and to promote uniformity in the application of the Federal Milk Sanitation Code and the Surgeon General's standard rating methods and criteria.

"(b) The Surgeon General shall remove any interstate milk plant from the list provided for under section 807 if the State or any local milk sanitation authority or laboratory refuses to permit representatives of the Service to inspect and copy relevant records pertaining to State or local health and sanitary supervision of such milk plant or any part thereof or facility connected therewith and its milk supply, or if the person in charge of such plant or of any part of the milk supply of such plant, or any person under his control, refuses to permit representatives of the Service, at all reasonable times, to—

"(1) enter such interstate milk plant or any establishment, premises, facility, or vehicle where milk or milk products intended for such interstate milk plant are produced, processed, packed, held, or transported.

"(2) inspect such plant, establishment, premises, facility, or vehicle, and all pertinent personnel, dairy animals, equipment and utensils, containers and labeling, and milk and milk products, and

"(3) inspect and copy pertinent records.

"Research, studies, and investigations concerning sanitary quality of milk

"SEC. 811. The Surgeon General shall conduct research, studies, and investigations concerned with the sanitary quality of milk and milk products, and he is authorized to (1) support through grants, and otherwise aid in, the conduct of such investigations, studies, and research by State agencies and other public or private agencies, organizations, institutions, and individuals, and (2) make the results of such research, studies, and investigations available to State and local agencies, public or private organizations and institutions, the milk industry, and the general public.

"Training milk sanitation personnel

"SEC. 812. The Surgeon General is authorized to—

"(1) train State and local personnel in milk sanitation methods and procedures and in the application of the rating methods and criteria established in regulations pursuant to section 804,

"(2) provide technical assistance to State and local milk sanitation authorities on specific problems,

"(3) encourage, through publications and otherwise, the adoption and use, by State and local authorities throughout the United States, of the sanitation standards and sanitation practices specified in the Federal Milk Sanitation Code, and

"(4) otherwise cooperate with State milk sanitation authorities, other public and private organizations and institutions, and industry in the development of improved programs for the control of the sanitary quality of milk and milk products.

"Savings provisions

"SEC. 813. (a) The provisions of this title shall not apply to manufactured dairy products, including but not limited to butter, frozen deserts, condensed milk, evaporated milk, sterilized milk or milk products not requiring refrigeration, all types of cheese except cottage cheese and creamed cottage cheese, and nonfat dry milk, dry whole milk, or part fat dry milk unless used or intended for use in the preparation of fluid milk products. As used in this section the term 'manufactured dairy products' does not apply to the milk products defined in section 802(2).

"(b) Nothing in this title shall be deemed to make lawful or authorize the application of any State or local law or requirement of any receiving State or locality discriminating against milk and milk products which would not be lawful or authorized if this title were not in effect.

"(c) Nothing in this title shall be deemed to supercede or modify any provision of the Federal Food, Drug, and Cosmetic Act, or of any provision of the Public Health Service Act (other than this title).

"Appropriations

"SEC. 814. There are hereby authorized to be appropriated annually to the Service such sums as may be necessary to enable the Surgeon General to carry out his functions under this title."

SEC. 3. Section 2(f) of the Public Health Service Act is amended to read as follows:

"(f) The term 'State' means a State or the District of Columbia, Puerto Rico, or the Virgin Islands, except that, as used in section 361(d) and in title VIII, such term means a State or the District of Columbia;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"Short title

"SECTION 1. Titles I to VIII, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title VIII (as in effect prior to the enactment of this Act) as title IX, and by renumbering sections 801 through 814 (as in effect prior to the enactment of this Act, and references thereto, as sections 901 through 914, respectively.

SEC. 5. The amendments made by this Act shall become effective on the first day of the first fiscal year beginning more than one hundred and eighty days after the date of the enactment of this Act.

DESIGNATION OF FEBRUARY AS AMERICAN HISTORY MONTH

Mr. KEATING. Mr. President, I introduce for appropriate reference, a joint resolution to designate February of each year as American History Month.

Selecting February as American History Month is especially appropriate when we consider that among the famous Americans born during February are: George Washington, Abraham Lincoln, Thomas Edison, and Henry Wadsworth Longfellow.

In bringing to the forefront the strength, courage, and determination of the past through the observance of a national history month, we would be setting an example and guide for the future, worthy of consideration by all Americans.

Many cities and States currently observe American History Month as a result of the efforts of the Daughters of the American Revolution. Through their suggestion, I am introducing this resolution today.

It is my hope that this proposal will be given the expeditious and affirmative consideration it so well deserves.

Mr. President, I ask unanimous consent to have the joint resolution printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The joint resolution (S.J. Res. 22) designating February of each year as American History Month, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas all Americans must honor their debt to the past and their obligation to the future; and

Whereas our freedoms are the result of the sacrifice, wisdom, perseverance, and faith of our forefathers; and

Whereas the more fully we understand and appreciate our history and heritage the more we will be able to prove worthy of it; and

Whereas the need was never more acute for encouraging study and recognition of the greatness that is America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as American History Month, and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools, churches, and other suitable places with appropriate ceremonies and activities.

IMPROVEMENTS IN METHODS OF NOMINATING AND ELECTING PRESIDENT AND VICE PRESIDENT—ADDITIONAL COSPONSOR OF BILL

Mr. BARTLETT. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. BARTLETT. Mr. President, I ask unanimous consent that my name be added as a cosponsor of Senate bill 102, at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Statement by him on the need for an Organization of American States Peace Fleet.

INTERNATIONAL PARK IS SYMBOL OF FRIENDSHIP

Mr. MANSFIELD. Mr. President, for a period of some months now the Missoulian-Sentinel, Missoula, Mont.'s daily newspaper, has been running a series of guest editorials. These editorials have been of exceptional quality, and one of the finest to appear in a recent issue was written by my good and long-time friend, D. Gordon Rognlien, of Kalispell, Mont.

Gordon Rognlien's editorial was devoted to the Waterton-Glacier International Peace Park as a symbol of friendship between Canada and the United States. I recommend this editorial to all of my colleagues here in the Senate. It underscores the devotion of this man and his associates to a project which has been so successful. If there were more examples of international good will in the world today, there would be a better understanding and less strife among nations today.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks in the RECORD the guest editorial entitled "Peace Park Symbol of Friendship," which appeared in the December 24, 1960, issue of the Missoulian-Sentinel.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Missoulian-Sentinel, Dec. 24, 1960]

PEACE PARK SYMBOL OF FRIENDSHIP

When Mary first told Joseph of the expected Christ Child, his first words to her were, "Peace be with you." After the birth of Jesus the shepherds told of seeing the heavens open and a host of angels singing "Glory to God in the highest, and on earth peace, good will toward men." So it is very fitting that on the eve of the celebration of the birth of the Prince of Peace we again pause and reflect about peace on earth.

It is, of course, the hope of all, that peace can come to this troubled world and we as individuals would like to lend our assistance, but we feel so insignificant and inadequate to make any positive contribution.

A group of Rotarians from both Alberta and Montana, realizing the futility of individual action, reasoned that collective action of many Rotarians from both sides of the border could dramatize the fact that Canadians and Americans live side by side in peace and harmony and thus bring international attention to this example of international good will. As a result, the idea of creating an international peace park was born.

FIRST OF ITS KIND

No time was lost in making this dream a reality. The national legislative councils of both Canada and the United States passed laws uniting Waterton Lakes National Park and Glacier National Park, creating the Waterton-Glacier International Peace Park, the first of its kind in the world.

It was created as a symbol of the traditional friendship existing between these two great nations and to serve as an example to a war-weary world that nations with common boundaries can live together peaceably.

The dedication ceremonies were held at Glacier Park on June 18, 1932, where celebrities from both countries attended. Hope for the success of their venture was well expressed by President Hoover, who wrote: "Dedication of the Waterton-Glacier International Peace Park is a further gesture of the good will that has so long blessed our relationship with our Canadian neighbors, and I am grateful in the hope and faith that it will ever be an appropriate symbol of permanent peace and friendship."

During the ensuing 28 years, Rotarians of both countries, under the inspired leadership of Canon S. H. Middleton, of the Anglican Church of Canada, have spread the idea of the peace park in many ways—by the erection of cairns with appropriate inscriptions at the international boundary, by railroad and park literature, through the Rotarian magazine, and by pamphlets sent to Rotary officers and clubs throughout the world.

Each year members of this association meet, first on one side of the international boundary and then on the other, where we enjoy the pleasures that result from making new friends and renewing old acquaintances from across the border.

Each annual meeting is closed with a "hands across the border" ceremony, where the Canadians stand on the north side of the imaginary line and the Americans on the south, grasping each others hands and reciting a pledge of eternal peace and friendship. It is a thrilling experience which creates in the hearts and minds of all that each is making some individual contribution toward world peace.

FOREIGN COMMENDATIONS

It is hard to know how effective the peace park idea has become or how far it has spread. We do know that we receive letters commending the idea from Japan, France, England, and other foreign countries.

Senator MIKE MANSFIELD wrote: "The weight of world problems would be much less if there were more Waterton-Glacier peace parks in the world."

President Eisenhower voiced the sentiments of us all when he said: "This peace park is a living monument to the tradition of friendship which unites the people of Canada and the United States. To a world beset by strife and struggle, it stands as a symbol of mankind's highest hopes and achievements."

It is the hope and prayer of all who have participated in this movement that the peace park will contribute, in some small way, to a better understanding and friendship among the peoples of the world.

"Glory to God in the highest, and on earth peace, good will toward men."

WILLIAM THE SILENT JOURNALISTIC AWARD TO R. H. SHACKFORD

Mr. MANSFIELD. Mr. President: Last month, R. H. Shackford, foreign correspondent for the Scripps-Howard newspapers received the 1960 William the Silent Award for journalism.

Mr. Shackford is a distinguished journalist with many years of outstanding service to the people of the United States. I number myself among his many readers and have drawn heavily from his dispatches from many parts of the world to keep myself informed on the facts of the international situation and for the development of insight into the significance of these facts.

I am delighted to call to the attention of the Senate this distinction which has come to Mr. Shackford, a distinction which he greatly merits. I ask unanimous consent, Mr. President, that a news story covering the award to Mr. Shackford be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Daily News, Dec. 8, 1960]

SHACKFORD WINS JOURNALISM HONOR

NEW YORK, December 8.—R. H. Shackford, foreign correspondent for the Scripps-Howard newspapers, today was awarded the 1960 William the Silent Award for journalism.

He received $1,000 and a gold medal in recognition of his incisive series of articles on the Netherlands published last December in the Washington Daily News and other Scripps-Howard newspapers.

Private Dutch citizens sponsor the prize. It generally is awarded annually to a writer adjudged to have done the most to further Netherlands-United States understanding.

LUNCHEON

Albert Balink, chairman of the William the Silent award committee, made the presenta-

tion at a luncheon in the Overseas Press Club. Dr. J. H. van Roijen, Netherlands Ambassador in Washington, was a guest.

Mr. Shackford, 52, is a native of Westbrook, Maine. He became a United Press reporter 25 years ago. UP promoted him to Washington overnight editor, diplomatic correspondent, and finally general news manager for Europe. He became Scripps-Howard's chief European correspondent in 1952.

In the postwar period he covered most of the important international conferences all the way from Paris to San Francisco; London to Rio; Brussels to Bogotá; Rome to Ottawa; Mexico City to Moscow. Since 1954 he has operated out of Scripps-Howard's Washington bureau, traveling abroad extensively to report on world affairs.

HEADLINES

Previously Mr. Shackford received the Headliners award for coverage of the United Nations and in 1956 the Lawrence S. Mayers peace award.

The William the Silent award was established in 1950 as a living memorial to 14 American news correspondents who lost their lives in the line of duty in a plane crash in Bombay, India, on July 12, 1949. Among the victims was William H. Newton of the Scripps-Howard newspapers.

Gold medals also were presented today in recognition of intelligent reporting of Dutch affairs to Erwin D. Canham, editor of the Christian Science Monitor, and David H. Beetle, formerly of the Albany (N.Y.) Knickerbocker News.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate—and I have not had an opportunity to discuss this with the minority leader—that after the joint ceremony in the House of Representatives, the Senate will return to the Chamber and resume its deliberations on the measure pending before it.

Again, I should like to ask the Senate minority leader if it would meet with his approval for the Senate to meet tomorrow, in an attempt to expedite action on the pending measure.

Mr. DIRKSEN. Mr. President, it is not that I am allergic to Saturday sessions as such, but I do know that in the first week there are so many accumulations to be disposed of that I hoped every Member of the Senate would have a little time to get his office affairs in order and get his accumulation of correspondence out of the way, and then, with a free and wholly unencumbered mind, approach the heavier responsibilities of the rules discussion on Monday.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn to meet on Monday next at 12 o'clock noon.

The PRESIDING OFFICER (Mr. CARLSON in the chair). Is there objection? The Chair hears none, and it is so ordered.

HOUSE OF FREEDOM

Mr. MAGNUSON. Mr. President, I ask unanimous consent to place in the body of the RECORD some remarks on the House of Freedom, the demonstration retirement house for the White House Conference for the Aging, being held in Washington, D.C.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HOUSE OF FREEDOM

I would like to call attention of the Members of the Senate to House of Freedom, the demonstration retirement house for the White House Conference for the Aging being held in Washington, D.C., January 9–12, 1961. This project will be a valuable contribution to the public interest, and in my opinion will be one of the most important tangible results of the conference.

The Members of the Senate have been invited by the sponsors to inspect the project, and I urge that all of you take the opportunity to do so.

The overall objective of the demonstration is to focus national attention on the need for special approaches to housing for the elderly and to point the way to solutions to this problem by private industry, public agencies and appropriate legislative support.

The house is actually a basic building block which is adaptable to multiple-unit arrangements such as garden court apartments, row housing, and other community projects other than high rise apartments. The house will crystallize in one research unit all the best ideas applicable to the needs for housing in outside institutional housing and high rise apartments.

The sponsors are seeking the informed evaluation of the project by the delegates to the conference and by the Members of Congress. The combination of applied research summarized in tangible form in the demonstration house and the response of the conference delegates will lay down guidelines on what is needed in housing our older citizens for private builders, public officials, lenders and welfare groups interested in the problem.

House of Freedom is sponsored by the National Retired Teachers Association, the American Association of Retired Persons, and Douglas Fir Plywood Association.

The first two groups are nonprofit associations with about 500,000 members dedicated to assisting our older citizens to live in usefulness, independence and dignity throughout their later years. Douglas Fir Plywood Association represents more than 85 percent of the western fir plywood industry of Washington, Oregon, and California.

The project undertaken by these organizations represents a healthy quality of initiative and resourcefulness. It should stimulate new construction of housing units that are badly needed.

There has been much agitation for the Government to do something about the problem of housing for the elderly and the depressed housing industry in general.

The plywood industry in the State I represent is in an even more depressed state. Naturally I'm concerned about these conditions as are many others. But I am also heartened by the daring and imagination with which the plywood manufacturers are approaching the problem of broadening their own markets without outside assistance.

The House of Freedom project which they are financing originated at a conference of experts in the field called together by W. E. Difford, executive vice president of Douglas Fir Plywood Association, to explore what the plywood industry could do to stimulate more and better housing for our older citizens.

Here are some of the conclusions of that first conference:

Housing needs for the elderly are as varied as those for the general population, but little has been done about the problem.

About 80 percent of the Nation's citizens over 65 can afford good minimum cost housing. Although about 60 percent of one group of older persons surveyed want to move to better housing, only 10 percent really want to move away from their present communities.

Private builders as a group have not recognized the demand for specialized housing for the elderly, or they have misjudged the opportunity with the result that for many people good housing for their declining years is impossible to obtain.

Private industry and private nonprofit groups can handle the biggest part of the job, but some form of Government assistance is needed, particularly in public housing and institutional housing.

Granted a healthy economic climate, private industry will probably be able to build and sell as many as 250,000 sale and rental units for the elderly annually.

Groups like the plywood industry should take the initiative in showing what can be done in the field to stimulate further action.

In view of the problems involved in housing our older citizens adequately, in view of the steps these organizations have taken to help develop solutions, and in view of the results they have produced already, I again urge upon you that you inspect the House of Freedom project during the period of the White House Conference.

SELECTION OF CERTAIN PUBLIC LANDS BY PUBLIC LANDS STATES IN EXCHANGE FOR LAND TAKEN BY THE UNITED STATES FOR MILITARY AND OTHER USES—ADDITIONAL COSPONSOR

Mr. ANDERSON. Mr. President, yesterday I introduced a bill, S. 111, to authorize public lands States to select certain public lands in exchange for land taken by the United States for military and other uses, and for other purposes, and listed a number of sponsors.

The able Senator from Washington [Mr. MAGNUSON] should have been listed as a sponsor. If the bill has not been printed, I ask unanimous consent that the senior Senator from Washington [Mr. MAGNUSON] be listed as a cosponsor; and if the bill has been printed, I ask unanimous consent that the senior Senator from Washington be included as a cosponsor in subsequent printings of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

SALINE WATER CONVERSION PROGRAM—ADDITIONAL COSPONSOR AND ORDER FOR BILL TO LIE ON DESK

Mr. ANDERSON. Mr. President, I ask unanimous consent that the Senator from Texas [Mr. YARBOROUGH] be listed as an additional cosponsor of S. 109, a bill to expand and extend the saline water conversion program under the direction of the Secretary of the Interior to provide for accelerated research, development, demonstration, and application of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. ANDERSON. Mr. President, I have been informed that S. 109 has not been printed; therefore, I ask unanimous consent that the bill be held at the desk for 2 days for additional cosponsors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

REPORTS FROM ELECTORS IN THE SEVERAL STATES

Mr. RUSSELL. Mr. President, I was interested in the discussion about the law requiring the reports from the electors in the several States to be forwarded to the General Services Administration. I wish to make perfectly clear now that if the law does require that, it is wholly unconstitutional. The Constitution of the United States is very specific with respect to this matter.

I wish to read the 12th amendment to the Constitution of the United States. I am one of those old-fashioned people, Mr. President, who still believe the Constitution of the United States has some meaning. It has been kicked around in a great many areas, but I was sworn to support the Constitution, and not a lot of these other odd ideas.

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the persons voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each—

This is the cogent part, Mr. President—

which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate.

That is the provision in the Constitution. It does not say anything about the General Services Administration. If there is any law which undertakes to repeal it, though it probably has been upheld by the Supreme Court [laughter], it is completely in conflict with the Constitution of the United States.

Mr. President, I ask unanimous consent that the remainder of this ancient and antiquated document, the 12th amendment to the Constitution of the United States, be printed in the body of the RECORD at this point.

There being no objection, the remainder of the amendment was ordered to be printed in the RECORD, as follows:

The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States and a majority of all the States shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.] The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

WE MUST END USELESS CIVIL DEFENSE

Mr. YOUNG of Ohio. Mr. President, the time has come to reappraise our entire civil defense program and to stop the senseless waste of this boondoggling bureaucracy.

During the past 10 years, more than $1 billion of taxpayers' money has been thrown down the drain by the Office of Civil and Defense Mobilization and its satellites in communities throughout America. For this huge sum, American taxpayers have received nothing but confused and muddled plans which would be totally ineffective should nuclear war strike.

In view of the failure of high paid officials of civil defense as it has been conducted during recent years, an overhaul is essential to avoid further inexcusable waste and to spare the public the continuing nuisance of meaningless practice alerts and needless alarms.

We must recognize that defense of civilians in the event of war should definitely be the responsibility of the Armed Forces. Defense of civilians is a major factor in the defense of our country. This must not be left to politicians in armbands. It should be recognized as an important duty of those best trained to perform that duty successfully—the Armed Forces of our country.

Mr. President, recent editorials in many great newspapers throughout the country expose the absurdity of our civil defense program and conclude that in the last analysis the best civil defense is a world relationship that seeks to end the armaments race between our Nation and the Soviet Union and Red China, and seeks to eliminate the frictions that might lead to nuclear war.

I embody four representative editorials on this subject as part of my remarks. I ask unanimous consent to have the editorials from the Detroit Free Press, Washington Daily News, Pittsburgh Post Gazette, and New York Post printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Nov. 26, 1960]

AS WE SEE IT—MUCH TO THE POINT ON CIVIL DEFENSE

U.S. Senator STEPHEN M. YOUNG, of Ohio, expressed the feelings of many Americans when he teed off on the Nation's civil defense program as a huge and wasteful boondoggle.

The Office of Civil Defense and Mobilization, said Senator YOUNG, has become the respository for "hacks and defeated office holders" who have to be given refuge from the political storm.

He went on to criticize OCDM for inept and muddled planning, characterized by its contradictory course "of advocating both evacuation and bombshelters as safeguards against mass slaughter in the event of nuclear war."

He indicted the agency for having squandered more than $1 billion since 1951, exclusive of surplus Government property turned over to civil defense agencies. The program also has placed a heavy burden upon the States and local governments which have been forced to create and maintain supplementary civil defense programs.

"Americans," he declared, "are tired of schemes to provide identification bracelets for teenagers to exchange; or millions of contradictory pamphlets; of highly publicized bombshelter honeymoons; of policemen loafing on civil defense duties, waiting for a bomb to drop, while many of our city streets are unsafe after dark."

Senator YOUNG's language may be strong, but there is a good deal of commonsense behind his faultfinding. There is an equal amount of good sense in his statement that in the event of an emergency, the defense of American civilians should be under the protection of the Armed Forces which, reason tells us, would have to take over from well-meaning but ineffective and untrained civilians.

The best antidote of all, he suggested, would be to concentrate upon creating a world relationship that would eliminate the frictions which might cause a bomb to be dropped.

[From the Washington Daily News, Dec. 26, 1960]

THE BOONDOGGLE SPREADS

Beginning with the bright new year, the taxpayers of the United States will be nicked for an extra couple of million dollars a month to expand the so-called civil-defense organization.

The House twice turned down this scheme, but finally succumbed after repeated Senate approvals and pressure from the CD boys.

Uncle Sam will shell out a million a month, and the States have to put up like sums. All of it comes from the same people, the taxpayers.

The tipoff on the urgency of this plum tree (it will add 1,300 to the public payrolls) can be seen in the proviso Congress attached to the money—no action before January 1, so it wouldn't get mixed up in the presidential campaign. In other words, Congress (Democratic) didn't want the administration (Republican) handing out this patronage before election.

This is supposed to provide us with a truly national civil defense capability. But nobody yet has figured out any workable plan for managing 180 million people in case of an atomic attack. The House should have stood its ground.

[From the Pittsburgh Post Gazette, Nov. 29, 1960]

A GRAND ILLUSION?

Serious charges have been made by U.S. Senator STEPHEN M. YOUNG, Democrat, of Ohio, against the Office of Civil and Defense Mobilization. Describing the Nation's civil defense program as a "billion dollar boondoggle," Senator YOUNG called upon the incoming Kennedy administration to dismantle the OCDM.

In an article published in a Wisconsin magazine, the Progressive, the Ohio Democrat blasted the defense organization for

following "the muddled, contradictory course" of advocating bomb shelters and evacuation as safeguards against mass slaughter in event of nuclear war.

Mr. YOUNG charged that the civil defense program is a grand illusion which has squandered over a billion dollars since 1951 through poor planning, confused thinking and colossal ineptitude.

More than 60 percent of funds appropriated to the agency, Senator YOUNG declared, goes for salaries and expenses, "much of it to the hacks and defeated officeholders for whom the OCDM has become a convenient and comfortable haven in the political storm."

The Senator wrote: "Instead of having money to spend on vital programs such as schools, many communities may receive a screeching siren, a few stretchers, some two-way radio equipment for civil defense officials to play with and an occasional alert to confuse the citizenry whether in event of a nuclear attack they should run or hide—or do both."

The defense of American citizens, he observed, should be under the direction of those who know about the problem, the Armed Forces. No civil defense is adequate and what is needed are: "solid, workable international agreements to disarm," Senator YOUNG maintained.

We would like to see such agreements, too, but until they are reached there must be some organization to handle civil defense, to try and bring order out of the panic which inevitably would result in event of a nuclear attack on this country.

Senator YOUNG's accusations against the OCDM should not be dismissed lightly, however. He has made serious charges which should be investigated by the incoming President and Congress. It wouldn't do any harm, either, for the Pennsylvania Legislature to look into the State civil defense organization and find out what it has accomplished.

[From the New York Post, Nov. 27, 1960]

FOLLIES IN THE SHELTER

The grand illusion of the nuclear age is the fantasy that, in a rain of thermonuclear missiles, a hole in the ground will provide an escape. On the basis of this hallucination, the Office of Civil and Defense Mobilization has been encouraged to play a frenetic game of atomic charades which Senator STEPHEN YOUNG, of Ohio, has now denounced as a "billion-dollar boondoggle."

In recent months there have been increasing sounds in Washington indicating dissatisfaction with the OCDM's exercises in futility. But YOUNG, unlike some of his critical colleagues, is not suggesting that better holes be built faster or that they be federally financed or that warning systems be improved. He faces the basic truth of the problem. "No civil defense program," he says in an article in the current issue of the Progressive, "will adequately protect our citizenry should war strike." What is needed, he says, are "solid, workable international agreements to disarm."

Senator YOUNG's statement of the OCDM's historic irrelevancy will not make him popular with those in high places who limit their criticism to the OCDM's inefficiency and obsolescence. For example, a report by a House military subcommittee in July recognized some of the idiocies of the civil defense program as rudimentary and often irrelevant, but maintained that no effective plan could be achieved without adequate shelter protection. It recommended Federal grants for construction of modern caves.

The ludicrous, contradictory operations of the OCDM—on the one hand the mass evacuation exercises with picnic finales, and on the other a barrage of propaganda on how to stay put in a do-it-yourself shelter—are not only a measure of the confusion with which the OCDM and its woolly-minded bureaucrats look to the future. They also reflect the general failure of world leadership to meet the challenge Senator YOUNG has stated.

A melancholy sign of the times is that so thoughtful a man as Governor Rockefeller has succumbed to the irrational theory that holes are necessary for survival; one immediate effect of his dictum that all new State buildings must have shelters is that it may well delay construction of a much needed hospital in Syracuse and retard the training of medical students. Possibly this is a minor inconvenience, but as a recent report by the Fund for the Republic put it not long ago: "Once the shelter program is under way, it will constitute a significant retreat from the idea of the obsolescence of war."

Senator YOUNG refuses to retreat from this idea. He says so loudly and clearly. We wish more of our lawmakers would come out of their holes and take up the cry.

Admittedly, it is easy to say that OCDM cannot be written off so long as we confront an inscrutable, unpredictable adversary. We do not lightly discount the problem. But neither can we avoid the sense that the quest for holes in the ground too often serve as a substitute for the search for even a limited peace on earth. It is, we insist, a burlesque of the human condition to believe that the OCDM bureaucracy offers us any authentic protection from the great terrors of our time.

EDUCATIONAL EXCHANGE PROGRAM AGREEMENT BETWEEN JAPAN AND THE UNITED STATES

Mr. JAVITS. Mr. President, I have the honor to announce to the Senate today the consummation of a new educational exchange program agreement, which was initialed on December 2, of which we have recently been notified, between our Government and that of Japan, acting through Japanese Foreign Minister Kosaka and American Ambassador Douglas MacArthur, Jr.

Under the new agreement, the U.S. Government will make available 846 million yen, or about $2,350,000, to finance the new U.S. educational exchange program. The U.S. yen funds were derived from the balance of yen deposits for the construction of U.S. military dependents' housing in Japan pursuant to the exchange of votes of February 18, 1960, which makes certain stipulations regarding yen deposits concerning the agricultural commodities agreements between the United States and Japan.

The significance of this agreement, Mr. President, is that it will materially expand the opportunities for Japanese to study in the United States. The new program will make it possible for 750 Japanese university graduates, lecturers, research scholars and teachers to be awarded travel grants in the United States enabling them to undertake study and research in the United States during the next 3 years.

The agreement will also provide opportunities for 150 American graduate students, lecturers, teachers, and research scholars, to visit Japan during the same 3-year period.

The significance, Mr. President, is this: Shortly after the student riots in Japan, Senators may recall, I addressed myself to the Senate, urging that it was a time for calm and clear thinking in our reaction to what was going on in Japan, and urging, as one element of that, to show our good will to the Japanese people we should invite 100 of the non-Communist student leaders involved in the Japanese student riots to come to the United States as soon as possible. Subsequent events have shown the viewpoint of the Japanese people generally to be favorable to freedom.

Subsequently, Mr. President, I have been working upon the matter with the State Department and with a number of distinguished American foundations. I now have every expectation that the fundamental objective which I sought to attain in my proposal at that time may be attained by action of the U.S. Government and through the wise application of its policies, without committing it to the fact that those who study here will necessarily be non-Communist student leaders in these riots, with the understanding that the greater amplitude now to be given to this program is in response to an accepted requirement, in the best interests of our Government and in the best interests of the free world, that we expand the opportunity for study in the United States by Japanese university graduates.

I think the initiative which has now been taken is most fruitful and critically important, and I think it is a matter for real congratulations to the Governments of the United States and Japan that this agreement has now been consummated. I have every confidence that in the implementation of the program a very keen look will be taken toward the objective which I tried to carry through in the middle of last year, and that there will be a real effort to bring into the United States those who can profit the most from seeing our free society and our free institutions in action and those who can do the most to spread understanding of these ideas abroad in Japan when they return.

I close upon this note: It must be emphasized that when Commander Perry sailed into Tokyo Harbor over a century ago, very deep ties were established with the people of Japan. I hope very much that we are in the process of restoring these ties after Japan's tragic aberration in its aggression in World War II, as I think it is becoming generally acknowledged throughout our own country that our current friendship with the Japanese people stands as an important part of the structure in the free world which fortifies us all against the dangers of the loss of our freedom. Also I believe that the majority of the Japanese people now give every evidence of wishing to develop and cultivate their friendship with the United States. Therefore it is necessary for us, in the days ahead, to move in every way possible with understanding and good will, as demonstrated by this agreement.

DR. ROBERT WEAVER

Mr. JAVITS. Mr. President, I notice with great interest that some question may be raised by certain of our very distinguished colleagues about the confirmation of the appointment of Dr. Robert Weaver, of New York, as Housing and Home Finance Administrator. This is an extremely important appointment,

and I happen to know Dr. Weaver and to have worked with him in New York. Also as he is a Democratic appointee and both New York Senators are Republicans, I think, therefore, it would be appropriate for a fellow New Yorker to speak about his record.

His record in the field of housing is one of long experience and great accomplishment, and I think we must regard this in all fairness as one of those appointments which, though we on the minority side will look quite properly with the greatest care and the greatest scrupulousness upon each appointment, it must be considered as an appointment which is in real essence a high caliber appointment in this particular field.

Dr. Weaver is vice chairman of the New York City Housing Redevelopment Board. Previously he served as New York State Rent Administrator. Before that he served as deputy commissioner of housing for New York.

As head of the HHFA he would be overseeing and directing the operations of agencies dealing with Federal housing, urban renewal, public housing, community facilities, and the Federal National Mortgage Association. Dr. Weaver is already thoroughly familiar with many of these activities, because there is no State in the Nation with more active Federal housing programs than New York.

It is also pertinent to note that both the Democratic and Republican platforms have pledged us that there will be an elimination of discrimination in housing. So the fact that Dr. Weaver has been active in the NAACP, an organization with which he has been long associated, should not be considered as a disqualification, but rather as an added qualification, for the post to which he has been named.

I speak entirely as a New Yorker, and one who knows Dr. Weaver, and, therefore, as one who has a right to testify as to his character and competence, without regard to the fact that other Senators may raise certain questions, which they have a right to raise, as bearing upon his confirmation. But I think it is only fair that the RECORD should show his experience and his high character as we know it in New York.

I ask unanimous consent that there may be included as a part of my remarks an article on his background appearing in the New York Times headed "A Genial Intellectual—Robert Clifton Weaver."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 31, 1960]

A GENIAL INTELLECTUAL—ROBERT CLIFTON WEAVER

When the New Deal express roared into Washington in 1933, Robert Clifton Weaver, a young Harvard-trained economist, was on it.

He was one of the first of a group of Negroes—later called the Black Cabinet by the Negro press—recruited by the Roosevelt Administration. Most of them, like Dr. Weaver, were described as race relations advisers. Their mission was to seek to resolve the complex racial problems confronting the depression-era Government in such fields as housing, education, and employment.

In those days racial segregation and discrimination were as entrenched in the Nation's Capital as in the rest of the country. And Negroes were largely excluded from or segregated in Federal agencies, services and programs.

THEY WERE TOUGH

But Dr. Weaver and the other race relations specialists operating in various Federal agencies proved to be tough-minded and resourceful foes of the status quo.

Employing patience, persuasion, moral preachment, logic, and the right cussword at the right time, they saw to it that Negroes won a rightful share of the public housing, public assistance, and other benefits being dispensed by the New Deal.

In short, their efforts laid the groundwork for what has become an almost completely integrated Federal Government operating almost completely integrated programs.

Dr. Weaver's own selection for the Nation's top housing post yesterday by President-elect John F. Kennedy illustrates how far Negroes have come since the depression years.

By the time he left Washington in 1944, Dr. Weaver, a genial intellectual, was regarded as the most influential Negro in the Federal Government.

FIRST AIDED ICKES

He began in 1933 as an aid to Interior Secretary Harold L. Ickes. He later served as special assistant in such agencies as the Housing Authority, the Housing Division of the Works Progress Administration, the National Defense Advisory Commission, the War Production Board, and the War Manpower Commission.

This broad Federal background in housing, his later service as State rent administrator in the Harriman administration—the first Negro to hold a cabinet-level in the State government—his service as a member of the city's housing and redevelopment board and his writings and research have combined to make him one of the country's outstanding housing experts.

Dr. Weaver, a liberal, has long been associated with the National Association for the Advancement of Colored People and other civil rights groups. He has been NAACP national chairman for the last year.

Although a civil rights crusader for three decades, he feels that the best way for Negroes to achieve equal opportunity is to "fight hard—and legally—and don't blow your top."

Dr. Weaver is convinced that housing segregation is the basic cause of much segregation in schools and other areas. He has been a strong advocate of a Presidential Executive order banning segregation in all Federal aided housing.

Dr. Weaver, a heavy-set chain smoker who hates exercise, loves reading and tinkering around the house—he once held an electrician's license—will be going home when he returns to Washington. He was born there in 1907, the son of a postal clerk.

His wife, the former Ella Haith, is an assistant professor of speech in Brooklyn College. They live in a spacious apartment at 295 Central Park West. They have an adopted son, Robert, Jr., now 19.

Dr. Weaver, who received his doctorate at Harvard, numbers among his close friends another well-known Washington figure, Dr. Ralph J. Bunche, who once taught at Howard University there. Dr. Weaver is the author of two books, "The Negro Ghetto," a study of housing problems published in 1948, and "Negro Labor: A National Problem," a discussion of employment discrimination, published in 1946.

THE CUBAN SITUATION

Mr. MORSE. Mr. President, I ask unanimous consent that there may be printed in the body of the RECORD an article entitled, "On the Art and Wisdom of Slamming Doors," by the very able journalist, James Reston, concerning the Cuban situation, appearing in this morning's issue of the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON THE ART AND WISDOM OF SLAMMING DOORS

(By James Reston)

WASHINGTON, Jan. 5—President Eisenhower at least left Cuba with a bang. He finally told off his tormentors and slammed the door on his way out. It was a grand exit which made the pictures dance on the wall and rattled old Fidel's back teeth, and his country obviously loved it.

In fact, the reaction in the United States to the break in diplomatic relations was almost as dramatic as Ike's last hurrah. Most papers decided that the President had no other alternative. Some called it "inevitable" and the News in New York concluded that "All Americans except the local Reds and their dupes will applaud this decisive action."

Well, maybe so, but Americans have been arguing about Cuba and diplomatic relations ever since the State Department was founded, and if everybody is now suddenly going to agree on these questions, it will be the first time in our history.

For over a hundred years, this country assumed that it should maintain diplomatic relations with foreign governments regardless of how they came to power or how they conducted their affairs or what they said about the United States.

For example, Thomas Jefferson, the first Secretary of State, thought the only test for maintaining diplomatic relations was whether the government concerned was running the store. He put it a little more elegantly: "The will of the nation [Cuba] is the only thing essential to be regarded."

Incidentally, he had a simple solution for the Cuban question. He thought maybe we should annex it, and John Quincy Adams, his successor at the State Department, was afraid Cuba would fall under the influence of a hostile foreign power, and also flirted with annexation.

It was only when Woodrow Wilson arrived on the scene with his moral approach to foreign policy that the United States began granting or withholding or withdrawing recognition in accordance with whether we approved of the way the government concerned came to power or spoke and acted.

Thus, it can be argued that Eisenhower's action was right or wrong, wise or unwise, but it cannot be argued on the basis of American history that it was inevitable.

The argument for the break was that Castro had gone well beyond the bounds of proper diplomatic procedure and that, if we had tolerated his insults and permitted him to reduce our mission in Havana to 11, we would not only have had an ineffective mission but would have debased the whole procedure of decent diplomatic intercourse and weakened ourselves in the eyes of other countries.

Another argument for the break was that it encouraged other American Republics to do the same and thus promotes the isolation of Castro in this hemisphere.

There were, however, arguments on the other side. The break makes it more difficult to get out of Cuba the anti-Castro Cubans who may one day organize his defeat. It removes the embassy as a source of accurate information and a rallying point for Castro's opponents. It limits Kennedy's freedom of action 16 days hence when he has to deal with the Cuban problem. And, of course, it encourages the popular view in this country that an American Embassy is sort of a badge of our approval of the government concerned or a reward for good conduct.

In the modern world, however, this is not what an embassy is. We maintain embassies in other countries not because we approve of

what goes on in those countries but because we live on the same planet with them and either have to remain in contact with them or at least watch what they are up to. This is why we remain in Moscow and many other places run by governments we do not approve.

Among other reasons, we have ambassadors abroad for the same reason that we have soldiers on constant patrol along the Iron Curtain: We want to know what's going on; and the more hostile the enemy is, the more we patrol night and day.

The real test in the Cuban case is not whether slamming the door makes Ike feel better, but whether it promotes the interests of the United States. Maybe it will, but obviously Castro did not think so. He provoked and presumably wanted the break, but it is Kennedy and not Eisenhower who must now deal with the consequences.

Mr. MORSE. In this column Mr. Reston sets forth the arguments which are advanced for the breaking of diplomatic relations with Cuba and those advanced against the breaking of diplomatic relations with Cuba.

After listening to the briefing of representatives of the State Department on this matter in the Foreign Relations Committee this morning, I stand on every word of my observations in the speech I made day before yesterday on the subject matter. I particularly buttress it with the final paragraph in the Reston article in which he said:

The real test in the Cuban case is not whether slamming the door makes Ike feel better, but whether it promotes the interests of the United States. Maybe it will, but obviously Castro did not think so. He provoked and presumably wanted the break, but it is Kennedy and not Eisenhower who must now deal with the consequences.

COUNT OF ELECTORAL VOTES—JOINT SESSION OF THE TWO HOUSES

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the conclusion of the activities centering on the joint session in the Hall of the House of Representatives.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the Members of the Senate will go to the Hall of the House of Representatives and act as the Senate itself, and that the Senate does not normally stand in recess during the counting of the ballots.

Mr. MANSFIELD. Mr. President, I move that the Senate return to its Chamber at the conclusion of the ceremonies in the Hall of the House of Representatives for the conduct of Senate business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and (at 11 o'clock and 47 minutes p.m.) the Senate, preceded by the Secretary (Felton M. Johnston), the Sergeant at Arms (Joseph C. Duke), the Vice President, and the President pro tempore, proceeded to the Hall of the House of Representatives for the purpose of counting the electoral votes for President and Vice President of the United States.

(See the CONGRESSIONAL RECORD of today for the proceedings in the House of Representatives in connection with the counting of the electoral votes.)

(At 1 o'clock and 52 minutes p.m., the Senate returned to its Chamber.)

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLAKLEY in the chair). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I was under the impression that certain Senators wished to introduce bills and submit resolutions, even though the morning hour has passed.

RESULTS OF COUNTING OF ELECTORAL VOTE

Mr. HAYDEN. Mr. President, on behalf of the Senator from Nebraska [Mr. CURTIS] and myself, as tellers on the part of the Senate, and Representatives KELLY and BOLTON, as tellers on the part of the House of Representatives, I report the results of the ascertainment and counting of the electoral votes for President and Vice President of the United States for the term beginning January 20, 1961, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The undersigned, CARL HAYDEN and CARL T. CURTIS, tellers on the part of the Senate, EDNA F. KELLY and FRANCES P. BOLTON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 20th day of January, 1961.

States	Electoral votes of each State	For President			For Vice President			
		John F. Kennedy, of Massachusetts	Richard M. Nixon, of California	Harry F. Byrd, of Virginia	Lyndon B. Johnson, of Texas	Henry Cabot Lodge, of Massachusetts	Strom Thurmond, of South Carolina	Barry Goldwater, of Arizona
Alabama	11	5		6	5		6	
Alaska	3		3			3		
Arizona	4		4			4		
Arkansas	8	8			8			
California	32		32			32		
Colorado	6		6			6		
Connecticut	8	8			8			
Delaware	3	3			3			
Florida	10		10			10		
Georgia	12	12			12			
Hawaii	3	3			3			
Idaho	4		4			4		
Illinois	27	27			27			
Indiana	13		13			13		
Iowa	10		10			10		
Kansas	8		8			8		
Kentucky	10		10			10		
Louisiana	10	10			10			
Maine	5		5			5		
Maryland	9	9			9			
Massachusetts	16	16			16			
Michigan	20	20			20			
Minnesota	11	11			11			
Mississippi	8			8			8	
Missouri	13	13			13			
Montana	4		4			4		
Nebraska	6		6			6		
Nevada	3	3			3			
New Hampshire	4		4			4		
New Jersey	16	16			16			
New Mexico	4	4			4			
New York	45	45			45			
North Carolina	14	14			14			
North Dakota	4		4			4		
Ohio	25		25			25		
Oklahoma	8		7	1		7		1
Oregon	6		6			6		
Pennsylvania	32	32			32			
Rhode Island	4	4			4			
South Carolina	8	8			8			
South Dakota	4		4			4		
Tennessee	11		11			11		
Texas	24	24			24			
Utah	4		4			4		
Vermont	3		3			3		
Virginia	12		12			12		
Washington	9		9			9		
West Virginia	8	8			8			
Wisconsin	12		12			12		
Wyoming	3		3			3		
Total	537	303	219	15	303	219	14	1

CARL HAYDEN,
CARL T. CURTIS,
Tellers on the Part of the Senate.

FRANCES P. BOLTON,
EDNA F. KELLY,
Tellers on the Part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of electors appointed to vote for President of the United is 537, of which a majority is 269.

John F. Kennedy, of the State of Massachusetts, has received for President of the United States 303 votes;

RICHARD M. NIXON, of the State of California, has received 219 votes;

HARRY F. BYRD, of the State of Virginia, has received 15 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 537, of which a majority is 269.

LYNDON B. JOHNSON, of the State of Texas, has received for Vice President of the United States 303 votes;

Henry Cabot Lodge, of the State of Massachusetts, has received 219 votes;

STROM THURMOND, of the State of South Carolina, has received 14 votes.

BARRY GOLDWATER, of the State of Arizona, has received 1 vote.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January 1961, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

AMENDMENT OF CLOTURE RULE

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by the clerk.

The LEGISLATIVE CLERK. A resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

The PRESIDING OFFICER. The question is on agreeing to the Humphrey-Kuchel amendment.

Mr. HUMPHREY. Mr. President, as I understand the parliamentary situation, the business before the Senate is the Humphrey-Kuchel amendment to Senate Resolution 4.

The PRESIDING OFFICER. Senate Resolution 4 is now before the Senate, and the question is on agreeing to the so-called Humphrey-Kuchel amendment.

Mr. HOLLAND. Mr. President, I am ready to speak briefly on the pending business; but I certainly wish to yield to any Senator who has other matters to submit, such as the introduction of bills or requests that certain matters be printed in the CONGRESSIONAL RECORD, or anything of that sort, if any there be.

However, apparently no Senator wishes to bring such matters before the Senate at this time.

Mr. President, the pending measure is an attempt to amend rule XXII of the Senate rules, which has existed, in one form or another, as to its sections that relate to cloture of debate, since the days just prior to the First World War.

I think perhaps it might be interesting to review the rules of the Senate, as they apply to debate, as to the time that may be consumed by Senators and as to the privileges of Senators during debate. I think it may be worth while to review that subject quite briefly at this time, in order to show, among other things, that the rule XXII cloture provision which requires a two-thirds vote of the Senators present and constituting a quorum, before a measure may be brought to immediate consideration, and with further debate, except in a limited way, dispensed with—is not out of accord with the rules and the practice of the Senate, but is, instead, in strict accord with the rules, practice, and traditions of the Senate for a long, long period of time.

Mr. President, the rule of the Senate which has to do with debate is rule XIX. There are several paragraphs, Nos. 1 to 7, in that rule, but I shall read only paragraph 1, which states the general rule of appearance of Senators upon the floor to participate in debate. Paragraph 1 of rule XIX reads as follows:

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. President, I think it is reasonably clear, from a consideration of paragraph 1 of rule XIX, that the rules of debate in the Senate are clearly laid down therein, and that it is very clear that a Senator, having received the recognition of the Presiding Officer, may proceed without being interrupted, without his consent, and can speak at least twice upon any one question in debate on the same day without leave of the Senate. On the matter of what constitutes a day, I should say that numerous rulings have held, and the Senate practice as prescribed by other rules is to the effect, that a legislative day does not mean the same thing as a calendar day, and that when the Senate recesses from day to day, the legislative day continues until there has been an adjournment.

Under rule XIX of the Senate, therefore, which has existed for a long, long time, a Senator, when recognized, may debate, without his infracting the rules of ordinary decency and procedure and courtesy—and those matters are discussed in later paragraphs of rule XIX—as long as he wishes to do so. Likewise, he may discuss the same subject matter twice in any legislative day so long as the same measure is pending.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I gladly yield to the Senator from Illinois.

Mr. DIRKSEN. I should like to ask the majority leader whether or not any action is contemplated this afternoon, or whether the Senate can be informed that there will be nothing except speeches and that after any Senator who wants to occupy the Senate floor has had an opportunity to do so, the Senate will adjourn.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield.

Mr. MANSFIELD. For the information of the Senate, I wish to state that, insofar as I know, after having asked some questions around the Chamber, there will be no business of any real consequence as it relates to voting this afternoon. I would hope, however, that Senators who have speeches to make, and are ready to get them off their chests, will do so.

On that basis, it is believed we shall be able to adjourn at a reasonable hour tonight until 12 o'clock noon Monday. I will even go so far as to give the assurance to Members of the Senate that there will be no voting this afternoon, insofar as the majority and minority leaders can control it.

Mr. DIRKSEN. I thank the majority leader, and I thank the Senator from Florida.

Mr. MANSFIELD. I thank the Senator from Florida for yielding.

Mr. HOLLAND. I was very glad to yield.

AMENDMENT OF CLOTURE RULE

The Senate resumed the consideration of the resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. HOLLAND. Mr. President, I have already stated that rule XIX, in its first paragraph, prescribes the general rule for debate, which covers the appearance of Senators upon the floor of the Senate, covers their recognition, allows them to speak without interruption unless they grant leave to be interrupted and to speak for as many as two times on a subject on a legislative day; and a legislative day has repeatedly been held to run beyond a calendar day and up until the time of an adjournment of the Senate.

The other rules that have to do with debate, Mr. President, are in the nature of rules to suspend or to limit or to affect in some special way the general rule of debate stated as rule XIX, which I have already read into the RECORD.

Mr. President, rule XXII in its cloture provision includes the two-thirds vote requirement, and that two-thirds vote is required before the general rule of the Senate which I have already read can be so changed and affected as to cut off debate, after a small period of time following the adoption of the cloture measure, by two-thirds of the Senate or more.

Instead of being an unusual provision, that two-thirds provision is in strict accord with other provisions in the Senate rules and in the Senate practice; and it is on that subject that I wish to dwell briefly here this afternoon.

First, rule X, Mr. President, which is the rule for making a special order of business out of a matter coming before the Senate, is found on page 11 of the Senate Manual, and I quote only partially from it and only a part of paragraph 1, which reads as follows:

Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its

consideration arrives the Presiding Officer shall lay it before the Senate,

And so forth. That is a suspension or change in the normal manner of the procedure of the Senate in taking up matters which are before it or can be brought before it.

The point I make in referring to that rule is to invite attention to the fact that a two-thirds vote of the Senate is provided as the test before any special order can be made, before the rules may be so changed in their application to the calendar of the Senate or to matters which may be brought before the Senate as to address the attention of the Senate to that particular measure so picked up and made a special order. Provision for a two-thirds vote is a part of the Senate rules and has been for a long, long time. It is found in rule X, and is but one of the several provisions to which I shall refer.

I have heard of no one objecting in any way to the fact that a two-thirds vote is required for a matter which may be even as incidental as that; namely, to pick up some item of present interest and ask that it be set down for special consideration and made a special order at a particular time.

Mr. President, rule XVI deals with legislation on appropriation bills and prescribes generally the conditions under which appropriation bills shall be considered and passed during the debates of the Senate. There is, of course, the provision which bans the bringing up of new legislation as a part of an appropriation bill, except subject to very special rules which are engrafted upon the rules of the Senate by the provisions of rule XVI, which I shall not read into the RECORD, because they are mere details. In order to have general legislation, new legislation, engrafted upon an appropriation bill, Mr. President, it is necessary that either those special conditions, which are rather drastic, be met, or that the matter be held to be subject to a point of order, so that it may be knocked out by a ruling of the Chair or upon a point of order made by any Senator.

Mr. President, this provision of rule XVI is, of course, subject to rule XL of the Senate, which is the provision for suspending the rules, because when a rule is proposed to be suspended in order to allow the bringing of general legislative matters into an appropriation bill one must turn to rule XL for the provisions of the body of rules as to suspension. That rule, which is entitled "Suspension and Amendment of the Rules," provides:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on 1 day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, rule XII.

Mr. President, it is no news to the Senate, of course, that a rule may be suspended by unanimous consent, but the provision to which I wish to address myself in rule XL is the first sentence, which says:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on 1 day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

That provision has been proceeded under many times on the floor of the Senate. The question came up long ago as to what number of votes or what percentage of votes should be required when the rule has been otherwise observed, by the filing of a written notice of 1 day, when the time comes for the calling up of the motion to suspend the rule. The Senate has on so many occasions ruled that a two-thirds vote is required to suspend the rule that I do not wish to detain the Senate unduly by bringing into the RECORD all of the cases in which that decision has been announced or followed. As a matter of fact, there have been 20 such cases since the year 1915. For reference of other Senators, I invite attention to the fact that they will find these cases as note 19 on the bottom of page 568 of the excellent book on Senate Procedure which has been compiled by the distinguished Parliamentarian of the Senate and his distinguished associate.

Mr. President, the general statement made by the two Parliamentarians of the Senate, who collaborated in the drafting of this book, is under the head "Vote Required," meaning the vote required to suspend the rules, and is found at the top of page 568. It says this:

> The Standing Rules of the Senate may be amended by a majority vote, but a two-thirds vote of the Senators present, a quorum being present, is required for their suspension, including suspensions for the purpose of proposing legislative amendments to general appropriation bills.

Mr. President, I think that is so clear a statement of the state of the rules, as well as of the state of the practice of the Senate, that it does not need to be repeated. I wish to have the record show, if I may, first, that under the note stated by the editors of the book to which I have referred it is shown that since the year 1915 there have been 20 incidents of the affirmation of the following of that rule requiring a two-thirds vote for suspension of the rules of the Senate.

I think it might be profitable at this time to read into the record two series of excerpts from the CONGRESSIONAL RECORD; one from the year 1915, when the Senate affirmed a rule that a two-thirds vote was required to suspend the rules, and the other a quotation in part from the RECORD of June 26, 1916, and the days following, which shows the same general course followed.

Mr. President, first, as a predicate for the reading from the RECORD of 1915, I wish to state that the Senate under rule XL has the power to suspend a rule pursuant to a notice without the reference of such notice to the Committee on Rules and Administration. Secondly, where such a notice was referred to the Committee on Rules and Administration, the report of the committee, upon objection, must lie over 1 day under the rule. Lastly, suspension of the rules requires a two-thirds vote.

These are the historic recitals of the consideration of the matter, in which the Senate itself by a rollcall vote affirmed the requirement of a two-thirds vote before a rule could be suspended, affirming that the rule was a part of the Senate procedure.

On January 11, 1915—63d Congress, 3d session, RECORD page 1357, Senate Journal, page 52—during the consideration of H.R. 19422, the District of Columbia appropriation bill for 1916, Mr. Morris Sheppard, of Texas, submitted a notice in writing, which was read, that he would move to suspend paragraph 3 of rule XVI of the Standing Rules of the Senate for the purpose of proposing to the bill a certain amendment set out in his notice.

On January 12—RECORD, page 1382; Journal, page 53—Mr. Sheppard made such motion pursuant to his notice, and, in reply to an inquiry by Mr. Reed Smoot, of Utah, if he expected to refer the proposed motion to the Committee on Rules, stated that such reference was not required by the rules.

Mr. Hoke Smith, of Georgia, made the point of order that the rules could not be modified in that way; that the proposed modification ought to be referred to the Committee on Rules for a report from that committee.

Mr. Sheppard cited a precedent of March 2, 1861.

The Vice President, Mr. Thomas R. Marshall, of Indiana, overruling the point of order, said:

> The Chair is ready to rule. Under rule XL the Chair is of the opinion that the Senate has the unqualified power in accordance with this notice to suspend the rule if it chooses to do so. If it does not choose to do so, the proper procedure is to move to refer the notice to the Committee on Rules.

Mr. Smith then moved that the notice be referred to the Committee on Rules, which was agreed to—yeas, 37; nays, 34.

Later, on the same day—RECORD, page 1395—Mr. Lee S. Overman, of North Carolina, chairman of the Committee on Rules, reported the motion favorably and recommended that for the purpose named and the consideration of the amendment proposed by Mr. Sheppard and all amendments thereto, paragraph 3 of rule XVI be suspended.

Mr. Sheppard having moved the adoption of the report, Mr. Henry Cabot Lodge, of Massachusetts, asked that the report lie over for a day. The Vice President ruled that a motion to proceed to the consideration of the report was in order, whereupon Mr. Smith made such a motion.

Mr. Lodge then made the point of order that the report should lie over 1 day, citing section 2 of rule XXVI, as follows:

> All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over 1 day for consideration, unless the Senate by unanimous consent shall otherwise direct.

Mr. Smith withdrew his motion. Mr. James K. Vardaman, of Mississippi, contended the motion was in order at that time. He said:

It seems to me the Senator from Texas has a right to insist upon the consideration of the motion at this time. It is offered as an amendment, and he has given notice that he will offer it. He has complied with the rules of the Senate. The Committee on Rules has reported, and reported favorably. I insist that it is the Senator's right to have the matter considered now, and that too, without regard to the report of the committee. Rule XL is very clear, and to my mind there is no room for doubt or question as to the course which the amendment offered by the Senator from Texas should take.

The Vice President, holding the report must go over, said:

There can be no doubt that under the second clause of rule XXVI, which had escaped the memory of the Chair, the report of a committee, upon objection cannot be considered today. It must go over until tomorrow.

On January 13, 1915—RECORD, pages 1503–1513—when the unfinished business, the District of Columbia appropriation bill, was laid before the Senate at 2 o'clock, Mr. Sheppard moved that the Senate proceed to the consideration of the report of the Committee on Rules, for the purpose of presenting his proposed amendment to the appropriation bill; whereupon the Vice President made the following ruling:

The Chair on yesterday, not having remembered section 2 of rule XXVI, which provides that—"all reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged shall lie over 1 day for consideration, unless by unanimous consent the Senate shall otherwise direct * * *."

Inadvertently, in the first instance, held that the report went to the calendar upon objection. The Chair was led into that error by clause 4 of rule XIV, which applies simply to bills and joint resolutions and does not apply to a report of the Committee on Rules. The Chair, therefore, is of the opinion that the report of yesterday came over to be handed down today during the morning hour, but the morning hour was consumed in the consideration of a previous resolution coming over from a preceding day. Meantime the unfinished business was laid before the Senate; but the Chair has now no doubt that, in accordance with the rules of the Senate, the Senator from Texas has a perfect right to move to proceed to the consideration of the report of the Committee on Rules.

The question before the Senate is therefore, Will the Senate proceed to the consideration of the report of the Committee on Rules?

In reply to a parliamentary inquiry by Mr. Ollie M. James, of Kentucky, as to whether the motion was in order after 2 o'clock the Vice President said:

The Chair holds that at any time the Senate has a perfect right, upon motion, to take up any matter that is upon the calendar. * * * In accordance with rule IX it (the motion) must be decided without debate.

After a quorum call, the Vice President withdrew the statement just made that the motion was not debatable, stating that upon an examination of rule IX he found the rule referred to motions made prior to 2 o'clock, and not after 2 o'clock.

Mr. William J. Stone, of Missouri, took the position that the rules of the Senate could be suspended by unanimous consent, but that it had not been the practice of the Senate to suspend the operation of its rules on motion.

Mr. Sheppard, in supporting his motion, said:

There is nothing revolutionary about this proceeding. I have followed strictly one of the rules of this body, rule XL, which provides that "no motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on 1 day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof."

Mr. President, this is not the first time rule XL has been invoked. On March 2, 1861, when the Democrats were in control of the Senate, the same question was raised. The right of the Senate was sustained to suspend the rules by a majority vote.

One of the Senators in opposing the motion to suspend the rules used almost the exact language that has been employed by the Senator from Missouri here today. Mr. Hale said, after the motion had been read:

"I do not wish to interpose any objection, but I want to maintain the rights of the minority of the Senate. It is the first time, I think, I ever knew a motion made here to suspend the rules."

The Senator from Missouri says he thinks this motion of mine is the first attempt; evidently it is not. Mr. Hale continued:

"I do not know of any provision by which we may suspend the rules. Ordinarily, when we undertake to do anything contrary to the rules of the Senate, it is done by unanimous consent. We have by resolution suspended the joint rules, but the rules of the Senate are imperative; and there is no provision in our rules, as there is in the Rules of the House of Representatives, by which they may be suspended."

After a long debate it was decided by a majority of the Senate that the rules might be suspended in this way. The very rules the Senator from Missouri eulogized so enthusiastically have been followed in this case and strictly followed. The motion was presented in writing, laid over a day, and then by a vote of the Senate it was referred to the Committee on Rules, one of the greatest committees of the Senate, a committee that numbers in its membership some of the most prominent and gifted Members of this body. That committee, by a majority vote, has reported to the Senate that the motion should be adopted, and I have no fear, therefore, Mr. President, of the result.

Mr. Gilbert M. Hitchcock, of Nebraska, while agreeing to the proposition that the motion to suspend the rules was in order, made the point of order that the suspension of the rules should be in accordance with parliamentary precedent by a two-thirds vote and only by a two-thirds vote, as followed by the House of Representatives.

The Vice President held that the point of order was prematurely made, that after the question of proceeding to the consideration of the report had been determined and the report was before the Senate, he would make some observations on the point of order.

Mr. Albert B. Cummins, of Iowa, supported the proposition that Mr. Sheppard had a right to make the motion under the rules of the Senate; that it was the duty of the Senate to consider the motion under the rules; and that if the Senate refused to take up the report, Mr. Sheppard was denied an absolute right which he had under its rules, namely, the right of moving to suspend a particular rule upon giving a specified notice.

Mr. Sheppard's motion was agreed to by a vote of 49 yeas, 23 nays, and he thereupon moved the adoption of the report.

At that stage I interpolate that as the result of the vote, the report was taken up, and the Senate then was to consider the matter covered by the report and the motion upon which that report was based.

The Vice President then submitted Mr. Hitchcock's point of order to the Senate for decision. I believe the point the Senate must recognize in looking at this precedent and the others that follow is that in 1915, when it reached the point which we have reached now in referring to that historic debate, the Senate realized that rule XL, while it permitted a suspension of the rules, did not by its own terms provide by what vote the rule was to be suspended, and that it was necessary to have some determination by the Senate itself as to what vote was required.

Here is the statement made by the learned then Vice President, Mr. Thomas R. Marshall, who said:

The Senator from Texas moves the adoption of the report of the Committee on Rules. The Senator from Nebraska raises the point of order that a two-thirds majority shall be held necessary to suspend the rules.

The Constitution of the United States provides that "each House may determine the rules of its proceedings." The Senate has assumed the right to be a self-governing body, and under this clause of the Constitution has made its own rules, and has so sedulously guarded its prerogatives that it has even reserved the right to appeal from the decision of the Presiding Officer; it pays no attention to anything that the presiding officer says or to any opinion he has if it does not happen to coincide with the view of the Senate.

The present Presiding Officer believes that the Senate has reserved to itself the exclusive right to say what the rules are, how they may be adopted, and how they may be abrogated or temporarily laid aside. The present Presiding Officer does not believe that it is within the province of the present occupant of the chair to determine whether rule XL should be strictly construed in accordance with the literal language thereof or whether the Senate of the United States proposes to construe the same in accordance with well-known parliamentary procedure. The Chair therefore submits to the Senate the determination of the question as to whether or not it requires a two-thirds majority to adopt the report of the Committee on Rules providing for a suspension of a certain rule.

Thus, the precise point was clearly transferred to the lap of the Senate by the then Presiding Officer, who had called attention to the fact that Rule XL allowed a suspension of the rules, but did not prescribe the standard under which the suspension should be accomplished.

Mr. Sheppard, in opposing the point of order, made a statement which I shall not quote in full at this point, but I ask

unanimous consent that it be inserted in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, I merely wish to say that if the Senate should decide that it requires a two-thirds vote to put rule XL in operation, it would write something into the rule that is not there. It would write language into the rule that does not belong there. Wherever our rules require a two-thirds vote, they specify that fact. For instance, rule X provides:

"Any subject may, by a vote of two-thirds of the Senators present, be made a special order."

Treaties to be ratified require a two-thirds vote, and it is so specified in the rule relating to them. There is no requirement mentioned in this rule for a two-thirds vote or a three-fourths vote or a unanimous vote. The logical inference, therefore, is that the rule may be put into operation by a majority vote. The rule reads, in part, as follows:

"No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof."

When a similar question was before the Senate in 1861 a majority of the Senate suspended the rules. It seems clear to me that the intention of this rule is to give a majority of the Senate an opportunity to assert itself.

Mr. HOLLAND. Mr. President, the gist of Senator Sheppard's statement was that in 1861 it had been held that a majority could waive the rule. That was really the point he made.

Mr. Henry Cabot Lodge, of Massachusetts, supporting the point of order, said:

The rule which it is proposed to suspend contains no provision as to the majority requisite for its suspension. On the face of it it might be inferred that that meant that it could be done by a vote of a bare majority. * * * So far as my knowledge extends, in all parliamentary bodies of which I know anything, a vote larger than a majority is required to suspend the rules. In my own State, in the legislature, it requires a two-thirds vote. In the House of Representatives two-thirds is established by their rules as necessary to suspend the rules. * * * The ground on which that general practice rests is the sound ground that if the rules are to be suspended by a majority vote there are no rules. The suspension of the rules must have a greater sanction than an ordinary matter.

Mr. Claude A. Swanson, of Virginia, opposing Mr. Hitchcock's point of order, said:

The general parliamentary law is that a majority has a right to change and fix its rules, except so far as that majority might have bound itself by specific rule designed to take care of the minority. I cannot find anywhere that, in the absence of a specific rule or statute, there is anything to control the majority of any legislative body. In the House of Representatives a two-thirds vote is required to suspend the rules * * * by a specific rule of the House itself, which requires a two-thirds majority to suspend its rules and pass a bill. There would be no necessity for a specific rule requiring a two-thirds vote to suspend the rules unless under general parliamentary law the rules could be suspended by a majority vote.

Mr. President, I do not believe it would have been possible to present more specifically the question as to what is the rule of procedure in the Senate whenever it is proposed to suspend the rules. The rules are written, of course, for the government of the Senate and its Members. As the then great Senator Lodge so ably stated, the rules are no rules if a majority can change them at any time by its mere fiat. The Senate was presented with that specific point, and it was thrown into the lap of the Senate by the then Presiding Officer, Vice President Marshall, who specifically ruled that a two-thirds vote was required.

Mr. Thomas W. Hardwick, of Georgia, favoring the point of order, quoted a provision from the Manual of General Parliamentary Law, by Speaker Thomas B. Reed, of the House of Representatives, referring to parliamentary law generally, and not specifically to the House of Representatives, as follows:

SUSPENSION OF RULES

Unless the rules themselves provide for their own suspension, they can be suspended by unanimous consent only. It is usual to provide that under certain circumstances and at certain times two-thirds may suspend the rules.

As further supporting his contention, Mr. Hardwick read a provision from Robert's Rules of Order, which, after citing the necessity at times for a temporary suspension of the rules, stated that if such a motion was carried by a two-thirds vote, then the particular thing for which the rules were suspended could be done.

During the course of his argument, he said:

The contention I present is that while rule XL provides for a suspension of the rules when notice in writing has been given, yet the rule itself is silent as to how much vote is required in order for the motion to suspend to prevail; and in the absence of a specific provision in the rules themselves, following the general and almost universal American practice, two-thirds is required.

Mr. Robert L. Owen, of Oklahoma, opposing the point of order, after citing several instances where amendments to the rules had been made by majority votes, took the position that, as between an amendment and a suspension of the rules, there was no material difference in principle, and that the effect of a suspension in an individual instance was merely a temporary amendment of a permanent rule, instantly reestablishing the rule thereafter; and that an amendment and a suspension were exactly upon the same basis under rule XL.

The point of order of Mr. Hitchcock was sustained by the Senate by a vote of 41 yeas to 34 nays.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. CASE of South Dakota. The junior Senator from South Dakota believes that the able Senator from Florida is making a very interesting and worthwhile statement of the principles involved in the pending question. Does the Senator feel that if the rules could be changed at any time without notice and upon a majority vote it would convert so-called Senate rules into a mere statement of procedure, which could be changed at convenience?

Mr. HOLLAND. I do. They could be changed by a bare majority—with tyranny which has never been exercised in this body—changing the rules to suit their purpose. I am not willing to stand here in the Senate and see any such stultification of the procedures of the Senate and these rules, which so clearly provide, sometimes by wording in the rules themselves—as in the case of rule X—or, as in the case which I have just discussed, in the interpretation of rule XL by vote of the Senate that a two-thirds vote is required to suspend the rules.

Mr. CASE of South Dakota. Does the Senator from Florida agree with me that such a method of changing the rules would inevitably lead to the sacrifice of many minority rights?

Mr. HOLLAND. It would indeed; and the minority affected might be such a minority that it would practically be half of the Senate. It might even be 49 Members of the Senate, which is more than half of the number of Senators who are customarily present.

The Senator from Florida does not want to see the Senate take such an abysmal departure from the rules of orderly procedure, which it has established throughout its long and illustrious history, sometimes by wording incorporated in the rules themselves, and sometimes by the submission of a question after strenuous debate to the Senate for determination by a vote of the Senate itself.

The Senator from Florida could not think of anything more destructive of the stability of the Senate, or of respect for the verdicts of the Senate, as reported by its record upon yea-and-nay votes, nothing could disturb that record, the stability of the Senate, or the confidence in which its proceedings are regarded, so greatly as a changing of the rules or a winking at the rules or an abandoning of the rules, such as is suggested by some of our friends during the current discussion.

Mr. CASE of South Dakota. Does the Senator from Florida recall the basic reason for the colonies proposing, in the original instance, that the Bill of Rights should be added as amendments to the Constitution of the United States?

Mr. HOLLAND. One of the reasons was the protection of minorities; another was the protection of the States; another was the protection of individuals. There were various reasons.

Mr. CASE of South Dakota. If it were possible to amend the Constitution by a majority vote of Congress, would not that tend to the erosion and the destruction of the rights of minorities?

Mr. HOLLAND. It certainly would. Of course, the framers of our Constitution, with excellent judgment, averted any such possibility as that, unless we are going to start to ignore constitutional provisions as well as the long established rules and traditions of the Senate

and House. But the Founding Fathers averted any such careless procedure by words actually written into the Constitution.

Mr. CASE of South Dakota. The purpose of my interrogation is that I desire to stress to the people generally, and have it realized, that rules and constitutions are primarily for the protection of minorities; that majorities, if we had simple-majority rules, could abrogate the rules and make them over from day to day. However, rules and constitutions are safeguards of something more than a majority vote. They are primarily designed to protect the rights of individuals or the rights of minorities.

Mr. HOLLAND. The Senator from South Dakota is, of course, completely correct. I appreciate his comments. We want to protect, by continually following the rules and traditions of the Senate, the rights of minorities, whether we happen to be, for the moment, within the minority or not. The protection of minorities, of States, and of individuals continues to be the primary objective, I think, of our Government as a whole.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. Mr. President, I am glad the Senator from Florida and the Senator from South Dakota are making their statements for the RECORD. I do not know of any more fallacious contention that could be made than that which is inherent in the advisory opinon of the Vice President, and supported by some of our friends who would like to attach to themselves the label of liberals, that there is anything inherently wrong or immoral in placing limitations on the unbridled power of a temporary majority. Our Constitution was written to serve as a brake on the unbridled power of a temporary majority.

The U.S. Senate, as a rare and unique institution of government, is largely designed to cause a slowdown in hasty action by a temporary majority which might do harm to our country or to any group of our people, or, indeed, to any individual American citizen.

At least four instances occur to me out of hand—perhaps there are more—in which the Founding Fathers wrote into the Constitution of the United States specific provisions which denied the right of a majority—indeed, of 60 percent or 62 percent—of the Members of Congress to take any hasty action.

A two-thirds vote of both Houses is required to submit to the States an amendment to the Constitution. Then the Constitution requires the approval of three-fourths of the States before such an amendment can become a part of the Constitution.

The Constitution requires a two-thirds vote of this body, by the express terms of the Constitution, to give the advice and consent of the Senate to the making of treaties with foreign states.

The Constitution requires a two-thirds vote, in our fine system of checks and balances, to override the disapproval of a bill by the Chief Executive of the United States—what we commonly refer to as the overriding of a veto by the President.

The Constitution requires a two-thirds vote of this body, sitting as judges under the Constitution, to impeach any public official.

The Constitution likewise provides that there shall be a two-thirds vote before a Member of the Senate can be expelled.

The Founding Fathers knew that, down through the years, there would be a great many young men in a hurry who would want to get things done and change the whole scheme of things overnight. The Founding Fathers knew that there would be times when there would be a majority of such men in the House and Senate of the United States. They knew that at times those persons would be absolutely ruthless and contemptuous of the rights of minorities, based on sectional hatreds or religious bias, or other differences between the members of the human family.

So the entire setup, the whole fabric of our Government, which has enabled us to create the American way of life, the greatest civilization the world has ever known, the most bountiful life mankind has ever lived, has grown out of the restraints on the power of a temporary majority. Yet we are told that the Vice President would declare unconstitutional anything which would stay the hand of a temporary majority in the Senate to recast the rules of this body so as to change the historic and traditional place of the Senate in our form of government, and to prevent it from maintaining its position as a unique parliamentary body in world history.

Mr. President, I am always suspicious of persons who try to take shortcuts. I am always suspicious when they want to take the quick and easy way without regard to the rights of others. I am always more suspicious when any group seeks to gag its opponents and prevent them from discussing, debating, objecting, and giving the reasons for their objections to any proposed cause or form of action anywhere along the line.

If the Senator from Florida will indulge me further, it was never intended that we should have a pure democracy, where the majority of one on today could change the whole scheme of things which had existed up until that good hour. Ours is a republican form of government. There are brakes on hasty action by the majority. If it were not for those brakes, this would not be the United States of America it is today, and this country would not be a great leader among the nations of the world. We would not have the greatest civilization and the highest standard of living that mankind has ever seen.

No one knew that better than old Ben Franklin, when he came out of the Constitutional Convention in Philadelphia. Some of his friends met him and asked, "Mr. Franklin, what kind of government have you given us in the new document you have been laboring over?"

He said, "A republic—if you can keep it."

That has been the challenge which has resounded through the ages: "A republic—if you can keep it."

I insist that we who are today resisting the efforts to take short cuts, resisting the efforts by one man presiding over the Senate to assume power which is not his under the Constitution of the United States, which he is sworn to uphold and defend, believe firmly that we are trying to keep and trying to save this Republic.

I am so happy that the distinguished Senator from Florida has gone back into the precedents coming down through the Senate from years back, pointing out how there are so many brakes on immediate action by a majority, and how wisdom and justice have dictated that in instance after instance more than the immediate vote of a temporary majority be required if drastic action is to be taken. The Senator from Florida is rendering a great service here in pointing out all these instances in which, in our parliamentary system, we deny and completely refute the contention—whether made by the Vice President or by anyone else—that there is anything inherently wrong in a limitation on the power of a majority, whether it be in the Congress or elsewhere.

Mr. HOLLAND. Mr. President, I appreciate greatly the fine comment made by the distinguished Senator from Georgia, and I approve every word he has uttered.

I have before me a brief memorandum of the instances referred to by my distinguished friend, the Senator from Georgia, in which, because of the fact that the framers of the Constitution knew that there were certain matters which needed to be particularly safeguarded, that document provided for a two-thirds vote of one or both Houses of Congress. I shall read the memorandum into the RECORD, in the order in which those instances appear:

Impeachment requires a two-thirds vote of the Senate, when sitting as a court of impeachment.

Expulsion requires a two-thirds vote of either House, when acting on the expulsion of one of its Members.

The passage of a bill over the disapproval or veto of the President requires the two-thirds vote of each House, separately. That applies to bills that have been passed.

A separate provision applies to all other orders or concurrent resolutions or matters, other than bills, which may be passed by both bodies; and it provides that, except in the case of joint resolutions providing for adjournment, a two-thirds vote, again, of each House, separately, is required, in order to override the disapproval of the President.

In the approval of treaties by this body, the Senate, a two-thirds vote is required in order to concur in the act of the Executive.

And in the matter of proposing amendments to the Constitution, of course, a two-thirds vote of each House, separately, is required before the amendment may be submitted to the States; and the amendment becomes a part of the Con-

stitution only after three-fourths of the States approve the proposed amendment.

The Founding Fathers, in giving to each body of the Congress the right to make its own rules, certainly did not assume for a moment that the Senate and House of Representatives, in their experience and wisdom and desire to have proper rules of procedure, would not determine that certain matters—just as had been determined by the Founding Fathers as to these important national matters—arising under our procedure would not require safeguarding by more than a mere majority vote of the Members present. And, of course, as Senators well know, we have had in our rules provisions—and I am just now in the course of outlining some of them—providing for a two-thirds vote; and some of them have been written right here on the floor of the Senate, after consideration of the inadequacies of rules written into the body of our rules, but not stating specifically that more than a majority vote was required in certain instances.

Mr. CASE of South Dakota. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. CASE of South Dakota. On January 12, 1959, I placed in the RECORD a list of eight instances in which two-thirds votes were required. I believe that six of them have been cited by the Senator from Florida. There were two others. In connection with all eight, I prepared a brief statement and references. Will the Senator from Florida be willing to have me ask unanimous consent that that matter be printed at this point in the RECORD?

Mr. HOLLAND. Certainly. I am glad to have the Senator from South Dakota do so; I gladly accede to his suggestion, because I wish the list to be all-inclusive.

The PRESIDING OFFICER. Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL PROVISIONS ON MAJORITIES

1. No impeachment without two-thirds of the Members present. Article I, section 3, reads (clause 6):

"The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present."

2. Expulsion of a Member requires two-thirds majority. Article I, section 5, clause 2, reads:

"Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member."

3. Overriding veto: Article I, section 7, clause 2, reads:

"If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be considered, and if approved by two thirds of that House, it shall become a Law."

A similar provision is found in the succeeding clause, which reads:

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

4. Amendments to the Constitution itself rest upon a proposal by "two-thirds of both Houses." Article V reads:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided That no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

That last phrase might be noted in passing—namely, that no State without its consent shall be deprived of its equal suffrage in the Senate. Any proposal to limit debate involves depriving some States of their voice, albeit not their suffrage. Respecting the thought guards the suffrage of the States in the Senate, and certainly suggests restraint in depriving a State of the presentation of its views in the Senate. This is an aspect of the matter which those who would limit debate by simple majority vote might well consider.

5. Again, the Constitution, in article II, section 2, requires concurrence of two-thirds of the Senators present for the ratification of treaties. Clause 2 of section 2 reads:

"He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.

6. Again, where election of Vice President falls to the Senate, through failure of the electoral college to cast a majority, the Constitution, both in the original article II and in amendment 12, relies upon a two-thirds rule. The applicable clause in amendment 12 reads:

"The person having the greatest number of votes as Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice."

7. Again, removal of a disability for membership in the Congress, when caused by having been involved in an insurrection, may be removed by a two-thirds vote of each House.

Thus, it would seem that the Founding Fathers sought to protect the rights of minorities by requiring more than simple majorities to override or silence them in matters of great moment.

And it scarcely need be said that the maintenance of this principle requires the availability of such a rule for every instance in which a minority might think that its rights were imperiled by the suppression of speech.

Mr. CASE of South Dakota. Mr. President, let me observe that one of them related to a circumstance which might have developed today, inasmuch as today, while the two Houses were in joint session, the Senate witnessed the counting of the electoral votes for President and Vice President of the United States. If the election had turned out in such fashion that the election of the President and the Vice President had not been determined by the electoral college, and if the election of the President had fallen to the House of Representatives, the election of the Vice President would have devolved upon the Senate. In that case the Constitution provided, in the original Article II, for a two-thirds vote as regards the election of the Vice President. That is another instance in which the two-thirds idea was selected by the constitutional fathers as the appropriate dividing line when something more than a simple majority vote was to be required. That is set forth in the list I have already mentioned.

Mr. HOLLAND. I thank the Senator from South Dakota for mentioning that.

Mr. CASE of South Dakota. If I may do so, I should like to clarify my position by pointing out that I think something more than a simple, temporary majority vote should be required for changing the rules; but I do agree with the Vice President that the Constitution states that each House may determine the rules of its proceedings, and that at some point each House must have that right.

Mr. RUSSELL. Of course.

Mr. CASE of South Dakota. As a practical matter, I think the Vice President ruled correctly when he said that that time is at the opening of a Congress. The Constitution makes no requirement that in the determination of its rules, a two-thirds vote should be required. But after the rules of the Senate have been adopted, I think the Senate has wisely provided that more than a simple majority vote should be required; and I believe that a two-thirds rule or such a rule with notice is very much in order and is very much to be desired.

But I do not care to take the time of the Senator from Florida to debate that matter at any length now.

However, I agree with him that if we are to protect the rights of minorities and the rights of individuals, it is important that we have rules, and that they may not be arbitrarily changed, as a matter of convenience from day to day, by a simple majority vote.

Mr. HOLLAND. I thank the Senator from South Dakota. I hope he will also agree that in the adoption of rules, even at the beginning of a Congress, at least the rules of normal parliamentary procedure, as recognized from one end of this country to the other, should prevail for the government of the Senate. Of course, I think the Senate itself has determined that, being a continuing body, as it undoubtedly is, the rules which prevail at one time hold over until, under those rules, they may be changed in such a way as a then majority of the Senate may decide it wishes them to be.

Mr. President, let me return to the point I was pursuing a few minutes ago—although first I wish to say that I appreciate very much the observations which have been made by both of my distinguished friends.

In 1916 the question of how large a majority was required to suspend a rule of the Senate again came before the Senate, and again was decided by the vote of the Senate itself, since which time it has never been challenged. I have already stated for the record that 20 instances are referred to in the notes by the Parliamentarians, who have very carefully collected the precedents, and have set them forth in the book to which I have referred. There are 20 such instances, and they include the 2 to which I have been referring. Since 1915 there have been 20 such instances in which the Senate itself has proceeded under the two-thirds rule; and in the first 2 of those instances the Senate determined that that was the rule. That determination was made by votes taken here on the floor of the Senate.

The question then came up again on the calendar day of June 28, 1916, the legislative day of June 26, 1916. Those proceedings will be found on pages 10136 to 10145 of the CONGRESSIONAL RECORD for the 1st session of the 64th Congress. That came up during consideration of House bill 10484, another appropriation bill; it was the Post Office Department appropriation bill for 1917.

Mr. Wesley L. Jones, of Washington, proposed an amendment prohibiting the transmission through the mails of publications containing advertisements of intoxicating liquors into so-called dry States. The amendment, on a point of order, was held by the Vice President, Mr. Thomas R. Marshall, of Indiana, to be general legislation. Mr. Jones, pursuant to notice given by him on June 26—which was 2 days previously, though the same legislative day—then moved to suspend paragraph 3 of rule XVI, prohibiting general legislation on general appropriation bills, so that the amendment might be in order. In reply to a parliamentary inquiry if a two-thirds vote was not required for that purpose, the Vice President said:

> The Chair finds that on January 13, 1915, the present occupant of the chair did submit that identical question to the Senate, and that by a vote of 41 yeas to 34 nays the Senate decided that it required a two-thirds majority to suspend the rules. If it be desirable to revert to that ruling the Chair will now rule that it takes two-thirds to suspend the rule; but, of course, there can be an appeal from the decision of the Chair on that question, when the Senate can reverse the ruling if it so desires.

The point of order was then raised that the word "day" in the rule meant a legislative and not a calendar day, and therefore the notice, having been given in the same legislative day, did not meet the requirement of the rule.

I have already stated the notice was given on 2 calendar days before, though in the same legislative day.

The Senate, however, after discussing the question at some length, adjourned, thereby removing the question from further controversy.

On June 29, 1916—RECORD, pages 10204–10215; Senate Journal, 466—a vote was taken on the motion of Mr. Jones to suspend the rule, which resulted: yeas 36, nays 28.

The Vice President announced that, in accordance with the former ruling of the Senate that it required a two-thirds vote to suspend the rule, the rule was not suspended.

Mr. Jones took an appeal from the ruling of the Chair, which was sustained by a vote of 42 yeas, 25 nays.

I call to the attention of the learned occupant of the chair [Mr. BLAKLEY] and other Senators, that the Senate was more strongly of the opinion than it was earlier that a two-thirds vote should be required to suspend the rules of the Senate, or otherwise the Senate really had no rules, but would simply allow a majority, at any time, on its own notion, to set aside the rules.

I cannot speak too strongly on this. First, the Constitution, on all such matters of this kind, prescribed a two-thirds vote as a reasonable basis for all matters where great concern was involved. We have already had placed in the RECORD seven such matters, and I thank the Senator from South Dakota for referring to two of them which I had inadvertently omitted.

In the case of our own rules, we have, under rule X, which has been on the books so long that the memory of man runneth not to the contrary, prescribed that to make a bill a special order, calling it up notwithstanding its place on the calendar or its absence from the calendar, requires a two-thirds vote. A two-thirds vote is required in that kind of matter to vitiate the ordinary rule of procedure for the taking up of bills.

I have already shown that in rule XVI and rule XL of the Senate there are prescribed occasions when it may be necessary to suspend the rule, rule XVI pertaining to appropriation bills, rule XL applying to all of the rules, including appropriation bills, but not naming in its own wording a precise vote which is required to obtain suspension.

I have shown that in two cases, in 1915 and 1916 the Senate itself, on submission of the question by the then Vice President, presiding over the Senate, affirmatively decided that a two-thirds vote was required before a rule could be suspended.

I have brought these matters into the RECORD not only to show the tradition of the Senate and to show the country the use of the two-thirds rule in special cases, but also to show that the inclusion of that requirement in rule XXII was no idle matter.

As a matter of fact, I think the wording of rule XXII, which was last voted on in 1959, is in precise accord with the two-thirds rule as followed in other matters and in the Constitution, because it gets away from the requirement of including in the count Senators who are selected and sworn, but who may not be present and participating, requiring a two-thirds vote of those present—a tradition for the protection of important points, for preservation of the rights of minorities, for the preservation of rights which are regarded as of such consequence that a third of the Senate is willing to stand and stand until they fall, notwithstanding the fact that a majority of the country may think otherwise.

Mr. President, that is no new provision under our procedure, both constitutional and statutory, and from the point of view of rule making, by fiat of the Senate itself, as I have already shown in specific cases which came up for the consideration of the Senate. That being the case, it seems to me it is appropriate to consider for what purpose this two-thirds requirement appears in rule XXII. It seems to me the recounting of the cases in which cloture has been attempted, as placed in the record of this debate on January 4th by our able colleague, the senior Senator from California [Mr. KUCHEL], will point up this discussion.

That list shows the 35 bills which he says have been filibustered in the history of his compilation, beginning back in 1865 and coming through the FEPC bill of 1946. The reason why he limits himself to those provisions in that exhibit 2 is, of course, Mr. President, that his exhibit is taken from a printed report of a hearing in the Senate conducted by our Rules and Administration Committee in the 81st Congress, 1st session.

The purpose of my referring to exhibit 2 is that it is shown affirmatively that in every case but 10, the measure which was temporarily held up by the resort to lengthy debate was either passed, or, in one case, it was found legislation was unnecessary and the purpose was accomplished by Executive order. Twenty-five out of the thirty-five bills were successful.

The first of the 10 in which there was no final action was the force bill of 1890–91. Mr. President, I wonder whether any sane Member of the Senate or the House of Representatives could comment at this time that he wished any such legislation to be seriously considered as was embraced in the terms of the notorious force bill which was defeated at that time. Nobody has ever suggested such legislation since that time.

The second was the armed ship bill of 1917, at the beginning of World War I. In that case President Wilson found he needed no legislative authority but had ample authority under his Executive powers to take the action which was required, and it was taken.

The other eight bills fall into three categories: First, the antilynch bills; second, the anti-poll-tax bills; and third, the FEPC bill.

It is rather evident, Mr. President, from that listing, that the only field in which the legislation was not passed, or in which an early recourse from the executive was not found, was the troublesome field of so-called civil rights.

It is also evident, Mr. President, from a reading of the list, that a great many of those bills had to be changed materially in form before they could meet the approval of this body. Anyone who wishes to go back into the record can learn the history of each of them.

For instance, there was the bill on statehood for Arizona and New Mexico.

The reason for the filibuster against this bill was that those two Territories did not wish to be brought into the Union together as one State. They desired to be separate States. In 1911 their friends filibustered the bill proposing to create one State out of those two great areas. They filibustered it to death. In 1912, after another effort in that direction, the Congress decided that two areas which had as many friends might well make two good States—and they made two good States, Mr. President. I think the whole Nation has been happy in the service to the Nation rendered by the people of those two good States. I know we are all happy that each is a State, with all the rights and privileges of statehood.

I could go through the list exhaustively, Mr. President, because I have made some study of each of the bills. Suffice it to say that if any Senator is interested enough in the question to go into the subject matter, he will find that the bills in their original state which were prevented from passage by lengthy debate should not have been passed, and when the bills were returned in acceptable form they were passed, except in the 10 instances which I have mentioned. Of the 10, only in those relating to civil rights has no such legislation been included in bills which have passed.

Of course, two civil rights bills have been passed in recent years, in 1957 and 1960, but to say that they could have been passed or should have been passed in the forms in which they were defeated upon the floor of the Senate after lengthy debate is quite another thing. My own feeling is that the bills received their just deserts when they were denied passage by the stern opposition which was given to them.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish to raise a basic question with the Senator from Florida as to why there is any need, or on what basis there is any need, for a change in the rules of this body at this time. I refer in my question to what the Senator has said, that two civil rights bills have been passed under the present rules in the last 2 or 3 years, and proposals which were stronger than the provisions which finally became laws were voted on under the present rules time after time and defeated by majority vote. Otherwise, those provisions would have been in the bills. The Senator recalls that, I am sure, and I think it strengthens his position.

Mr. HOLLAND. I am sure it strengthens my position. I am glad indeed that my distinguished friend has brought it to our attention.

The last item in the list which was defeated by lengthy debate is the FEPC bill.

Mr. STENNIS. Yes.

Mr. HOLLAND. The Senator recalls, as I do, with some poignancy, the fact that FEPC bills, both limited and unlimited, were offered as amendments to the last so-called civil rights bills, which we passed in 1960, and were turned down by a majority vote of the Senate. Those proposals and others, I am sure, were referred to by the distinguished Senator.

Mr. STENNIS. The Senator might mention another, which is the so-called title III. That was a major provision.

Mr. HOLLAND. Title III was one of the most vicious proposals ever presented on the floor of the Senate. It was omitted by a majority vote.

I will say to my distinguished friend, the point I am making has to do with the list of measures which were defeated, as shown by the compilation included in the RECORD by our learned friend the Senator from California [Mr. KUCHEL].

I think perhaps title III was the most vicious of all the proposals, because it proposed to place in the conscience of one man, the Attorney General of the United States, whoever he might be, a power to make a decision and to predicate further action upon that decision, as to when a threatened breach of so-called civil rights was to occur. It would have given to him the right, upon his sole decision, to take such matter to the Federal courts by securing an injunction against others; and, if anybody saw fit to disobey the injunction, whether he knew about it or not, the Attorney General would have had the right to proceed through the drastic procedure of criminal contempt, and the case would have been tried without following our good old Anglo-Saxon provision for bringing in juries. That proposal would have set up a program completely foreign to anything that I understand to be in our Anglo-Saxon history, or within the present traditions of the country. I am glad the Senator referred to it, though it does not happen to be the case that that is one of the bills which, by itself, was defeated by lengthy debate.

Mr. STENNIS. The point is that those measures were debated in the Senate on their merits, and the pros and cons were actually passed upon. The proposals failed to become law not because of the present rules of the Senate, but because their proponents could not get a majority of the membership to vote in their favor. Is that not correct?

Mr. HOLLAND. That is completely correct. I add the point so well and ably made by my distinguished colleague from Florida yesterday in the course of a colloquy. It is claimed by some, or has been claimed during the debate already, that this rules change must be accomplished in order to permit the passage of the program of the President-elect. My able colleague pointed out the fact that instead of that being true, we have a record of the passage by the Senate in the last Congress of the five measures which are contained within the preferred program of the President-elect. In one or two cases there were vetoes by the President which were sustained. In other cases the measures were held up in the House of Representatives. However, the fact remains that, in respect to the five measures in the "must" program of the President-elect, each has been submitted to the Senate, has not been subjected to unlimited debate, has proceeded to consideration, and has been passed by the membership of the Senate, which was comprised, in the main, of the same Members who are now present.

Mr. STENNIS. Has the Senator from Florida heard any discussion or proposal by a single Senator, much less a group, to the effect that the Senate rules would be used to defeat the measures in the Kennedy program? Is there any talk to that effect at all?

Mr. HOLLAND. The Senator from Florida has not heard any such talk, and would not make himself a party to any such procedure, because he thinks the items in the program do not lie within the field which is of such great and terrific concern to the area of the country from which the Senator from Mississippi comes and from which I come. We think we know what would follow if some of the proposed far-reaching civil rights bills were passed. We think we have a right, from our own public service and knowledge, to predict what would occur. The Senator from Mississippi is a long-time former judge of the circuit court of his State, and also a long-time Senator from his State. He knows what might be expected to result in his State if compulsive, coercive measures were used in fields such as those attempted to be covered by the so-called civil rights program. If we did not express our deep concern and apprehension on the floor of the Senate to our colleagues and to the general public of this Nation, we would be guilty, indeed, of gross neglect of duty.

I believe the Senator from Mississippi knows, as well as I know, that Senators from our Southland would not make themselves a party to any effort by unlimited debate to stop a final vote upon the five measures which are included within the program of the President-elect.

Mr. STENNIS. If the Senator from Florida will yield quite briefly again, I shall not further disturb his presentation.

Mr. HOLLAND. I am happy to yield.

Mr. STENNIS. I heartily agree with the Senator from Florida. The Senator from Mississippi will not join in any kind of movement to cut off proper consideration of the proposed legislation in any way. The Senator from Mississippi does not know of any other Senator who has any such plans, and has not even heard the subject mentioned since we have been here this year. I do not think it would happen at all.

All the civil rights measures which the Senator from Mississippi knows anything about have already been brought to the floor of the Senate and have had their day in court here. Some were passed and are now law, and some were voted down because the majority did not favor them. And that is the way it will happen again.

Mr. HOLLAND. I thank my distinguished friend for his able and constructive comment. Not only has the Senator from Florida heard no suggestion this year of the application of unlimited debate to any of the five fields, but also he did not hear any such suggestion made during the previous Congress or prior thereto. To the contrary, the records will show that while many Senators from the South oppose certain

items of that legislation, there was by no means unanimity among Senators from the South concerning those subjects. There is a clear showing that there was no resort to unlimited debate when those very measures were before the Senate. The Senator from Florida, speaking for himself, never even heard any Senator suggest such a course of action.

I wish to discuss briefly the fact that the two-thirds vote requirement in critical cases of great importance to our country has been engrafted upon the Constitution in seven different instances. It has been engrafted upon our own rules in certain instances. It has been followed by a vote of the Senate when specific legislative proposals were submitted in 1915 and 1916, followed 18 times since that time. I think there can be no justification at all for an effort to impose a majority rule on such a question as this when everything in our traditions—constitutional, statutory, and rulewise—is to the other effect. Particularly do I think that it would be unwise to write for the Senate a new standard by reaching into the grab box and pulling out a three-fifths requirement. Two-thirds has been the customary requirement when there were questions of such grave importance that a whole area of the Nation felt itself impelled persistently to bring its point of view to the attention of the Nation.

In looking at the list of 35 instances referred to by the able Senator from California it is clear that the question does not relate solely to the Southland, because it was concerned with only a small part of those 35 instances that have embraced the so-called civil rights questions or any other questions of peculiar importance to the Southland. Some matters of great importance to the Nation as a whole, such as the force bill, have been defeated by resort to extensive unlimited debate and other matters which appear on the face of that bill.

I feel with all my heart that it would be a distinct disservice to our country, in the first instance, and an almost destructive disservice to the Senate, with all of its traditions, to engraft upon our rule book a provision that a mere temporary majority can, at its will, displace one rule or any rule, no matter how important, which in the wisdom of the Senate, since the founding of this country, has been found necessary to accomplish orderly procedure and the enactment of legislation which is good for the country, and in a way that commands the confidence of the country and the adherence in general by the people of the country to the decisions of the Congress.

I hope the Senate will not think of tearing down the temple which has been erected in all the years since the Senate began to function by substituting a measure which in effect would permit a bare majority, on a day-to-day basis, to set aside rules and to accomplish whatever it might wish in order to inflict its will, whether that will represented a majority of the people or whether, as certainly might happen in some instances, it represented only as much as one-fifth of the people. If there were gathered together in one group Senators from States with smaller population, the will of a bare majority of Senators might be inflicted upon the people of this great country. I hope the Senate will not be so unwise, and will defeat this ill-starred, injudicious attempt to tear down the temple of our fathers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SPEAKER SAM RAYBURN AND COMPLIMENTS TO THE VICE PRESIDENT

Mr. MANSFIELD. Mr. President, today marks the 79th birthday of the man who has served as Speaker of the House of Representatives longer than any other in the history of our country. He is a man under whom I had the pleasure of serving for approximately 10 years while I was a Member of the House from the First District of the State of Montana. He is a man who has, I would hazard, 50 of his "boys" serving in the Senate at the present time. In sagacity, in wisdom, in tolerance, in understanding, the Speaker of the House, Mr. RAYBURN of Texas, stands in a class by himself. He has guided many of us in the right ways. He has helped us at the right times. And it gives me a great deal of personal pleasure on this occasion to extend my congratulations and solicitations to the Speaker on this his 79th birthday.

Mr. McGEE. Mr. President, I join in felicitations to our distinguished colleague on the other side of the Capitol. I was not one of those privileged to graduate from SAM RAYBURN'S College of Political Knowledge, but I have been permitted to associate with him in many ways in many parts of the country. My esteem and my admiration for him are unlimited. His wisdom, even outside his "shop," has served to guide me wisely in many ways.

I pay tribute to him on this his 79th birthday. I know that I share the sentiments of all my colleagues in the Senate when I say that it is our hope that we might in some small way approach the stature and the contribution to public life that SAM RAYBURN has attained in this our country.

Mr. MANSFIELD. Mr. President, I should like to say also for the RECORD that I was tremendously pleased and impressed by the action of the Vice President of the United States, RICHARD M. NIXON, as he and the Speaker of the House presided over the counting of the ballots designating the election of the next President and Vice President of the United States. I thought he was gracious in his comments to the Speaker on his birthday, and I thought that he was more than gracious and understanding in his final statement to the membership of both Houses assembled. What he said then has left an indelible imprint on me, because he spoke as a true American, and he gave voice to feelings which I know he truly felt, and he exemplified in very few words the strength and the significance of the democratic system under which we operate. To me, the Vice President made a magnificent exit.

Mr. STENNIS. Mr. President, while tributes are being paid to the Speaker of the House, I certainly wish to join in the sentiments expressed by our colleagues. Here is a gentleman who has served as Speaker of the House of Representatives longer than any man in the history of our Nation. He has served in that capacity for 19 years. He has served in the House of Representatives itself almost as long as anyone ever has.

I did not have the privilege of serving in the House of Representatives with him, but I know from his products and what I have seen from his operations in the Government—with the President and Cabinet members and Members of Congress, and everyone else—that he has certainly been a wise counselor. Few men have left the imprint on this country he has left and continues to leave, in shaping its policy and shaping its legislation over these critical years, in which the Nation and the world have been transformed in many ways, and during which time policies have been changed and conditions have changed. Yet he still goes on at his fast pace with his wise counsel and sound views.

Somebody referred to him as a teacher of the men in the House of Representatives. That reminds me of a tribute that I saw on a monument on a famed university campus in this country, where a teacher is paid this tribute by former students:

> A part of him will be a part of us and our children and their children forever.

A part of Mr. SAM will be a part of this Nation, I hope, forever. I am glad to join with my colleagues in paying tribute to this wise man.

Mr. HUMPHREY. Mr. President, I wish to join my colleagues who have paid their respects to the illustrious and renowned Speaker of the House of Representatives, Mr. SAM RAYBURN.

Members of Congress who have been privileged to know the Speaker for a number of years affectionately call him Mr. SAM. He represents the finest tradition in this country in the field of legislative government. He has surely made his great contribution to the strength and the welfare and the prosperity and the happiness of this Nation. The name of Speaker RAYBURN will go down in the history books of our country as a truly significant voice and force in the Government of the United States. I feel it a rare privilege to enjoy his fellowship and to share in his friendship.

As I recall, Speaker RAYBURN was elected to the House at the same time that the late and beloved Alben Barkley came to Congress. I also recollect that the distinguished senior Senator from Arizona, the President pro tempore of the Senate and chairman of the Committee on Appropriations [Mr. HAYDEN], came to Congress in the same year.

These are remarkable men—two of them still with us, and one, Mr. Barkley, who will always live in our memory.

I wish Mr. SAM not only a happy birthday this year, but also many more of those happy birthdays in good health and good spirits, and with all the blessings of a good life. I am sure he will be granted those blessings by a wise and kindly Providence.

I also wish to join the majority leader in commending the Vice President on his remarkable message on the occasion of the counting of the electoral votes. As was indicated in the Vice President's message, this was a historic occasion. I believe the Vice President's message will go down as one of the truly historic messages. It was one filled with humility. It was a gracious and a very thoughtful pronouncement.

In these few moments the American people, particularly our young people, received a lesson in democracy and in responsible representative government from one of the practitioners of representative government, in a very forceful and yet a very considerate and timely manner. It goes without saying that on many occasions I have sharply disagreed with some of the utterances of the Vice President. I only say that because it is a matter of record. But I surely admire and respect him for the manner in which he has conducted himself during the recent months, during the campaign, and more directly and more precisely in this ceremony of today when the electoral vote was counted. He proved himself to be a fine American and, indeed, a great public servant.

DEATH OF REPRESENTATIVE EDITH NOURSE ROGERS

Mr. SALTONSTALL. Mr. President, I ask that the Chair lay before the Senate a resolution coming over from the House regarding the death of the Honorable Edith Nourse Rogers, a Representative from the State of Massachusetts.

The Chair laid before the Senate a resolution (H. Res. 18), which was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable Edith Nourse Rogers, a Representative from the State of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SALTONSTALL. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 23) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Edith Nourse Rogers, late a Representative from the State of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

ADJOURNMENT

Mr. SALTONSTALL. Mr. President, as a further mark of respect to the memory of the late Representative from Massachusetts, I move that the Senate, under the order previously entered, adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 51 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, January 9, 1961, at 12 o'clock meridian.

NOMINATIONS

Messages received from the Government of the District of Columbia January 6, 1961:

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, Neville Miller as a member of the District of Columbia Redevelopment Land Agency, to fill the unexpired term of James E. Colliflower, resigned, whose term expires March 3, 1961.

Pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, Neville Miller as a member of the District of Columbia Redevelopment Land Agency, to succeed himself for a term of 5 years, effective on and after March 4, 1961.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 6, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The tribute to Job, the patriarch, by one of his friends (Job 4: 3–4): *Behold, you have instructed many and your words have kept men on their feet.*

O Thou who art the supreme source of all good gifts, we rejoice that in these strange days, when confused cries are echoing throughout the world, we have among us men and women whom Thou hast blessed with a vision of the durable and eternal values and who never fear the loneliness of following and pursuing that which is noblest and best.

On this his birthday we thank Thee for the life and character of our beloved Speaker who holds such a regal place in our affections, not only because of his conspicuous achievements in the realm of politics and the affairs of state but, that, in the high and holy privilege of daily walking and working with him, we have found ourselves strengthened and encouraged by his words of counsel and the companionship of his kind and gracious heart.

We pray that Thou wilt continue to endow him richly with the gifts of leadership, the leadership of aspiration and adventure, of wisdom and understanding, of faith and fortitude, and may his own heart be filled with gladness and receive the benediction of Thy grace as he gives himself wholeheartedly and patriotically to the arduous task of finding ways and means for the building of a better world.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, January 4, 1961, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Carrell, one of its clerks, announced that the Senate had passed, without amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 1. Concurrent resolution that effective January 3, 1961, the joint committee created by Senate Concurrent Resolution 92, 86th Congress, continue and have same powers as conferred by said resolution.

ANNOUNCEMENT

The SPEAKER. The Chair desires to announce that, pursuant to the authority conferred upon him by House Resolution 11 and House Resolution 12, 87th Congress, he did, on Wednesday, January 4, 1961, administer the oath of office to the Honorable JAMES B. UTT and the Honorable GEORGE M. GRANT at Bethesda, Md.

GEORGE M. GRANT

Mr. ELLIOTT. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 82

Whereas GEORGE M. GRANT, a Representative from the State of Alabama, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed to the oath of office before the Speaker, authorized by resolution of this House to administer the oath, and the said oath of office has been presented in his behalf to the House, and there being no contest or question as to his election: Now, therefore, be it

Resolved, That said oath be accepted and received by the House as the oath of office of the said GEORGE M. GRANT as a Member of this House.

The resolution was agreed to.

HON. JAMES B. UTT

Mr. ELLIOTT. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 83

Whereas JAMES B. UTT, a Representative from the State of California, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed to the oath of office before the Speaker, authorized by resolution of this House to administer the oath, and the said oath of office has been presented in his behalf to the House, and there being no contest or question as to his election: Now, therefore, be it

Resolved, That said oath be accepted and received by the House as the oath of office of the said JAMES B. UTT as a Member of this House.

The resolution was agreed to.

SWEARING IN OF MEMBER

The SPEAKER. Will any Member who has not been sworn come to the well of the House and take the oath of office.